

Scott Livingston

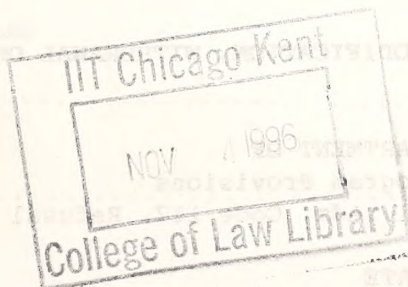
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Illinois Register

Rules of Governmental Agencies

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INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1996

Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:
Dec. 19, 1995	Dec. 26, 1995	1	Jan. 5, 1996	June 25, 1996	July 2, 1996	28	July 12, 1996
Dec. 26, 1995	Jan. 2, 1996	2	Jan. 12, 1996	July 2, 1996	July 9, 1996	29	July 19, 1996
Jan. 2, 1996	Jan. 9, 1996	3	Jan. 19, 1996	July 9, 1996	July 16, 1996	30	July 26, 1996
Jan. 9, 1996	Jan. 16, 1996	4	Jan. 26, 1996	July 16, 1996	July 23, 1996	31	Aug. 2, 1996
Jan. 16, 1996	Jan. 23, 1996	5	Feb. 2, 1996	July 23, 1996	July 30, 1996	32	Aug. 9, 1996
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Mar. 19, 1996	Mar. 26, 1996	14	Apr. 5, 1996	Sept. 24, 1996	Oct. 1, 1996	41	Oct. 11, 1996
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Apr. 9, 1996	Apr. 16, 1996	17	Apr. 26, 1996	Oct. 15, 1996	Oct. 22, 1996	44	Nov. 1, 1996
Apr. 16, 1996	Apr. 23, 1996	18	May 3, 1996	Oct. 22, 1996	Oct. 29, 1996	45	Nov. 8, 1996
Apr. 23, 1996	Apr. 30, 1996	19	May 10, 1996	Oct. 29, 1996	Nov. 4, 1996 (Mon.)	46	Nov. 15, 1996
Apr. 30, 1996	May 7, 1996	20	May 17, 1996	Nov. 4, 1996	Nov. 12, 1996	47	Nov. 22, 1996
May 7, 1996	May 14, 1996	21	May 24, 1996	Nov. 12, 1996	Nov. 19, 1996	48	Dec. 2, 1996 (Mon.)
May 14, 1996	May 21, 1996	22	May 31, 1996	Nov. 19, 1996	Nov. 26, 1996	49	Dec. 6, 1996
May 21, 1996	May 28, 1996	23	June 7, 1996	Nov. 26, 1996	Dec. 3, 1996	50	Dec. 13, 1996
May 28, 1996	June 4, 1996	24	June 14, 1996	Dec. 3, 1996	Dec. 10, 1996	51	Dec. 20, 1996
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June 11, 1996	June 18, 1996	26	June 28, 1996	Dec. 17, 1996	Dec. 23, 1996 (Mon.)	1	Jan. 3, 1997
June 18, 1996	June 25, 1996	27	July 5, 1996	Dec. 23, 1996	Dec. 31, 1996	2	Jan. 10, 1997

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: County Jail Standards2) Code Citation: 20 Ill. Adm. Code 7013) Section Numbers: Proposed Action:

701.5	Amend
701.10	Amend
701.20	Amend
701.30	Amend
701.40	Amend
701.50	Amend
701.60	Amend
701.70	Amend
701.80	Amend
701.90	Amend
701.100	Amend
701.110	Amend
701.120	Amend
701.130	Amend
701.140	Amend
701.150	Amend
701.160	Amend
701.170	Amend
701.180	Amend
701.190	Amend
701.200	Amend
701.210	Amend
701.220	Amend
701.230	Amend
701.240	Amend
701.250	Amend
701.260	Amend
701.270	Amend
701.280	New Section
701.290	New Section

4) Statutory Authority: Implementing and authorized by Section 5-7 of the Juvenile Court Act of 1987 (705 ILCS 405/5-7) and Section 3-15-2 of the Unified Code of Corrections (730 ILCS 5/3-15-2).5) A Complete Description of the Subjects and Issues Involved: Input was solicited from a committee of county sheriffs to determine areas in the standards which needed to be addressed or added. A separate committee consisting of representatives of sheriffs, the Illinois Sheriffs Association, judges, the Illinois probation and court services, the Illinois Juvenile Justice Commission, juvenile detention centers, John Howard Association, and internal staff assisted in the drafting of revised juvenile detention standards. Based on their input and recommendations of

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENT

internal staff, standards have been updated, reworded, and clarified; gender specific language has been eliminated to the extent possible; philosophical statements have been deleted; some standards have been eliminated or modified to provide the counties with greater flexibility in administering their jails and establishing their own policies; and new provisions for the detention of juveniles in county jails have been included.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No7) Does this rulemaking contain an automatic repeal date? No8) Does this rulemaking contain incorporations by reference? No9) Are there any other proposed rulemakings pending on this Part? No10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any State Mandate.11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments during the 45-day First Notice Period which commences on the issue date of this publication of the *Illinois Register* to:

Donald N. Snyder, Jr., Deputy Director
Illinois Department of Corrections
1301 Concordia Court
P.O. Box 19277
Springfield, Illinois 62794-9277
217/522-2666, extension 2082

All written comments received after 45 days after the date of this publication will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis: Not required; this rulemaking does not affect small businesses.13) Regulatory Agenda on which this rulemaking was summarized: January 1996

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENT

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
 CHAPTER I: DEPARTMENT OF CORRECTIONS
 SUBCHAPTER f: COUNTY STANDARDS

PART 701
 COUNTY JAIL STANDARDS

Section	
701.5	Definitions
701.10	Administration--Minimum-Standards
701.20	Personnel
701.30	Records
701.40	Admission Procedures
701.50	Orientation
701.60	Release Procedures
701.70	Classification and Separation--Segregation
701.80	Housing
701.90	Medical and Health Care
701.100	Clothing, Personal Hygiene, Grooming
701.110	Food Services
701.120	Sanitation
701.130	Supervision
701.140	Security
701.150	Safety
701.160	Discipline
701.170	Employment of Detainees
701.180	Mail Procedures
701.190	Telephone
701.200	Visiting
701.210	Social Service Programs
701.220	Education
701.230	Library
701.240	Religious Services
701.250	Commissary
701.260	Recreation and Leisure Time
701.270	Juvenile Detention
701.280	Temporary Detention Standards
701.290	Standards for Detention of Youths Prosecuted Under the Criminal Code of 1961

AUTHORITY: Implementing and authorized by Section 3-15-2 of the Unified Code of Corrections [730 ILCS 5/3-15-2].

SOURCE: Emergency rule adopted November 7, 1974; amended at 4 Ill. Reg. 28, p. 186, effective July 1, 1980; codified at 8 Ill. Reg. 14408; amended at 12 Ill. Reg. 12274, effective October 1, 1988; amended at 13 Ill. Reg. 16739, effective November 1, 1989; amended at 14 Ill. Reg. 20392, effective January 1, 1991; amended at 15 Ill. Reg. 13789, effective October 1, 1991; amended at 20 Ill.

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Reg. _____, effective _____.

Section 701.5 Definitions

"Department" means the Illinois Department of Corrections.

"Jail and Detention Standards and--Services Unit" means the unit within the Division of Support Services ~~Bureau of Inspections and--Audits~~ of the Department of Corrections which is authorized to monitor compliance with the County Jail Standards.

"Unit" means the Jail and Detention Standards ~~and--Services Unit~~.

(Source: Amended at 20 Ill. Reg. _____, effective _____.)

Section 701.10 Administration--Minimum-Standards

a) Staff Training

1) All full-time jail officers shall be trained as provided by the Police Training Act [50 ILCS 705/8.1] ~~411-Rev--Stat--1985--ch--85--part--500--11~~. All personnel assigned jail duties shall be made familiar with these standards. Such training shall include identification of signs and management of mentally impaired ~~11~~ detainees and first aid and CPR training.

2) Jail officers and other personnel assigned to jail duty must be trained in security measures and handling special incidents such as assaults, disturbances, fires, natural disasters, evacuation procedures, escapes, emergency medical response, communications, crime scene protection, and suicide prevention.

3) Written documentation of staff training shall be maintained.

b) Written Procedures

A current written manual of policies and regulations for the operation of the jail shall be established by the jail administrator ~~published~~ and furnished to each employee. Written emergency procedures for ~~in the event of~~ fires, riots, escapes, hostage situations, major disturbances, use of chemical agents, medical emergencies including suicide prevention and crisis intervention, bomb threats, severe weather, and natural disasters shall be a part of this manual.

c) Post Description

Comprehensive duty descriptions for each jail operational position shall be in writing and furnished to each employee performing the function.

d) Records

The sheriff or jail administrator shall assure that all required records required by law or this Part are maintained and available for examination by staff of the Jail and Detention Standards Unit.

e) Discrimination and Harassment

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- B) The number of new regular sentences and the total numbers of days served of regular sentences.
- C) The number of new work release sentences and the total number of days served of work release sentences.
- D) The number of new weekend sentences and the number of days served of weekend sentences.

2)B) Duplicate copies of the report shall be prepared. The reporting facility shall maintain the original and forward the duplicate to the Department by the tenth day of the following month following the report period.

c)3) Extraordinary or Unusual Occurrences Occurrence

1) All extraordinary or unusual incidents which involve or endanger the lives or physical welfare of jail officers or detainees must be reported to the Jail and Detention Standards and Services Unit by the jail administrator, sheriff or his or her designee, utilizing the form supplied by the Unit.

2)A) Reports shall be forwarded within 72 hours of the occurrence and shall include, but not be limited to:

- A) Name and address of the facility.
- B) Date, time, and nature of the occurrence.
- C) Information regarding any detainee involved in the incident, such as name, age, date confined, and charge.
- D) Information regarding any death.
- E) A summary of the facts and circumstances surrounding the incident.
- F) Any recommendation to prevent subsequent occurrences.
- G) Signature of the reporting officer and the date of the report.

3)B) Extraordinary or unusual occurrences shall mean:

- A) Death, regardless of cause.
- B) Attempted suicide if hospitalization or medical treatment is required.
- C) Serious injury, including to include accidental or self inflicted injuries.
- D) Escape from confinement or attempted escape.
- E) Serious fire resulting in property damage, personal injury, or evacuation.
- F) Inmate disturbance involving four or more individuals, riot, or hostage situation.
- G) Battery on a staff member, visitor, or volunteer.
- H) Battery on detainees by a staff member.
- I) Battery on a detainee by another detainee if hospitalization or extensive medical treatment is required.
- J) Sexual assault or attempted sexual assault.
- K) Occurrence of contagious or infectious disease or illness within the facility, excluding names of detainees or others involved.

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- L) Discovery of firearms or weapons, as defined in 720 ILCS 5/31A-1.1, in detainee living or program areas.
- M) A written or oral act of intimidation by a detainee on detainees or staff for which criminal charges result.
- N) Excessive use of force by staff.
- O) Enforced medication.
- P) Use of chemical agents.
- Q) Major property damage.

d) Other Reports and Records

Each jail administrator shall submit such other reports or records pertaining to jail administration as required by the Department for such purposes as statistical reports.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 701.40 Admission Procedures

a) Introduction

- 1) Good-jail-operation begins the instant a detainee is lawfully custody enters the jail. A thoroughly planned and well-organized admission process is an indispensable prerequisite to good-jail management.
- 2) With confinement, the individual partially forfeits free status for one of a dependent detainee if in undergoing a first-jail experience, a person observes thorough, objective, decent order, and respectful methods by the admitting staff member his reaction to other jail personnel is more likely to be with respect and confidence. On the other hand, admission methods that are careless and antagonistic will cause distrust and antagonism toward other jail staff. Admission procedures set the tone for detainee adjustment.

b) Minimum Standards

a) Posting of Rights

A Notice of Rights, available from the Jail and Detention Standards and Services Unit, and jail rules and regulations shall be conspicuously posted in all receiving rooms and in common areas to provide maximum accessibility to detainees.

b) Frisk Search

Detainees shall be given an immediate frisk search.

c) Legal Confinement Authority

The jail officer accepting persons for confinement must determine that each is being confined under proper legal authority.

d) Identity

1) The identity of the person being admitted must be verified as the person named in the commitment documents. Documents must become a part of the detainee's record.

2) Each detainee must be photographed and fingerprinted and these

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records shall be maintained in accordance with the Criminal Identification Act [20 ILCS 2630/5] and the Juvenile Court Act of 1987 [705 ILCS 405] ~~law (see Ill. Rev. Stat. 1985, ch. 37, par. 702 and ch. 387, par. 206-5).~~

e)5) Injuries

Any seriously injured, seriously ill, or unconscious person must not be admitted to the jail until a medical examination has been conducted by a licensed physician, except when a properly staffed medical facility staffed by a physician or physician's assistant is a part of the jail.

f)6) Strip Search

A--strip--search--shall--be--performed--to--ensure--against--the--introduction of--weapons--contraband--and--body--pests.

1)A) The strip search shall be performed in an area that ensures privacy and dignity of the individual. The individual shall not be exposed to the view of others who are not specifically involved in the process.

2)B) Strip searches shall be conducted by a person of the same sex.

3)E) All personal clothing shall be carefully searched for contraband.

4)B) The probing of body cavities may not be done except where there is reasonable suspicion of to--believe--that--the--detainee--is carrying contraband. ~~there--and--such--searches--may--only--be conducted--by--medically--trained--persons--other--than--an--inmate, or--a--physician, physician--assistant, registered--nurse,--licensed practical--nurse,--or--paramedic, in--a--private--location--and--under sanitary--conditions.~~ Intrusive searches may only be conducted:

A) By a medically trained person who is not a detainee, for example, a physician, physician's assistant, registered nurse, licensed practical nurse, or paramedic; and

B) In a private location under sanitary conditions.

g)7) Personal Property--Accountability

1) Each item of personal property item taken from the detainee shall be listed and described in the presence of the detainee.

A) Be listed and described in the presence of the detainee--and a receipt--shall--be--issued.

2)B) A receipt shall be issued which shall include the receipt--must show the signatures of the admitting officer and the detainee. ~~There--with--the original receipt shall be filed in the detainee's personal record file and the duplicate shall be given to the detainee.~~

8) Personal--Property--Security

3)A) All personal property of the detainee shall be securely ~~safely~~ stored until the detainee is released, discharged, or transferred or such time as release, discharge or transfer occurs--unless the detainee approves, in writing, the release of such property to a designated person or its disposal. The jail shall have a policy

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for the disposal of abandoned property.

4)B) Personal property released to a third party must have the detainee's authorizing signature of approval and a signature of the receiving individual receipt-of-the-third-party.

h)9) Telephone Calls

1) Detained persons shall be permitted to make a reasonable number of local--and/or--long--distance completed telephone calls, both local and long distance, to an attorney of their choice and to a family member. Such calls should be afforded to the detainee as soon as practicable, generally within one hour after arrival.

2) The expense for the making of a telephone call, if any, shall be borne by the detainee or the individual called.

3)A) When a no family member is not available can-be-contacted, a friend may be called substituted.

4)B) The date and time of initial telephone calls made during the admission process shall be recorded.

i)10) Physical Assessment Medical-Examination

1)A) The admitting officer shall observe the detainee for any obvious injuries or illnesses requiring immediate emergency medical care, rashes, unusual cough, high temperature, body pests, and general mental status. The officer shall determine by questioning whether if the detainee:

A) Has any has medical condition which requires medical attention conditions such as dependence on drugs or alcohol, diabetes, epilepsy, allergies, asthma, heart condition, etc.;

B) Has had past treatment for mental disorders--allergies;

C) Has any suicidal tendencies as determined by the use of an approved screening instrument or history of medical illness;

D) Is if-the-detainee-is on medication; and

E) If if-the-detainee-is female, whether-she is pregnant.

2)B) When a detainee shows signs of or reports unusual physical or mental distress, he or she shall be referred to health care personnel as soon as possible.

j)11) Medication

Any medication in the possession of a detainee at admission shall be withheld until verification of its proper use is obtained and documented. This verification shall be made as soon as possible, but within the time interval specified for administration of the medication on the prescription container.

k)12) Booking and Personal Record Information

1) A record or records for each detainee shall be established at the time of admission and shall be maintained throughout the period of confinement. Expungement of booking and personal record information shall be made in accordance with Section 5 of the Criminal Identification Act [20 ILCS 2630/5].

2) Such record shall include:

A) The detainee's name and social security number.

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- B) Aliases ~~and~~ nicknames used by the detainee.
- C) The detainee's address ~~Address~~.
- D) Marital status of the detainee.
- E) The detainee's age ~~Age~~ and date of birth.
- F) The name of the person ~~person~~ to notify in case of an emergency, including the individual's address and telephone number.
- G) Physical description and characteristic marks of the detainee.
- H) The detainee's occupation ~~Occupation~~.
- I) Education level attained by the detainee.
- J) The detainee's religion ~~Religion~~ or religious preference ~~affiliation~~.
- K) The holding offense ~~Offense~~ (charged with or sentenced for).
- L) The date ~~Date~~ and time of admission and authority to detain.
- M) The name ~~Name~~ and title of officers presenting and receiving the detainee.
- N) The name ~~Name~~ and telephone number of the detainee's attorney.
- O) Previous arrest record and convictions of the detainee.
- P) The medical ~~Medical~~ record of:
- i) The detainee's health and physical condition; at the time of admission; during confinement, including treatment and medication administered; and condition at the time of discharge; and
 - ii) The detainee's medical and ~~and/or~~ hospitalization insurance carrier and policy numbers.
- Q) Itemized record of the detainee's cash and other valuables, expenditures, and receipts while in custody.
- R) The dates ~~Dates~~ of temporary absences from the jail, the authority to be absent, and the destination.
- S) A record ~~Record~~ of visitor's names and the dates of visits.
- T) A record ~~Record~~ of detainee misconduct and subsequent discipline administered.
- U) The case ~~Case~~ disposition, judge, and court.
- 1) ~~1) Lice and Other Body Pests~~
Treatment, directed by the facility physician, shall be initiated immediately when body pests are detected.
- m) ~~1) Showers~~
All detainees must shower or bathe when admitted.
- n) ~~1) Cell Assignment~~
1) ~~1) The detainee shall be assigned to suitable quarters.~~
2) ~~2) Jail staff shall be responsible for cell assignment and shall consider, among other matters:~~
- A) The status of a new detainee, detainees--(for example, pre or post-trial detention, etc.)
 - B) The detainee's sex, health, age, type of offense charged, and prior record if known; and

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- C) Whether ~~whether~~ there are any accomplices or material witnesses already within the jail from whom the detainee person should be separated.
- D) Classification and separation criteria outlined in Section 701.70.
- o) ~~1) Items of Issue~~
- 1) Detainees shall be issued clean bedding, a towel, necessary clothing, and soap.
 - A) Bedding shall consist of at least a mattress cover, flame retardant mattress, and covering ~~blankets~~ appropriate to the season of the year.
 - B) The towel shall be made of cloth and be of bath size.
- 2) ~~2) Detainees shall be permitted to purchase a toothbrush and dentifrice from the commissary, unless furnished by the jail staff. If the detainee is without funds in his or her possession, he or she shall be issued such items by jail staff.~~
- 3) ~~3) Detainees shall be held accountable for all jail property issued to them.~~

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 701.50 Orientation

a) Introduction

- 1) ~~1) Arrest and confinement are stress-producing and often result in unpredictable behavior. For the person undergoing confinement for the first time, the initial impact can determine reaction to the total experience. Those who have been confined before previously formed impressions may be reinforced and reaction to the present situation predetermined. To counter negative reactions, a clear and concise orientation procedure by qualified staff is required.~~
- 2) ~~2) A detainee must learn to adjust to confinement and have the benefit of guidelines and correctly interpreted information. Otherwise he is subject to misinformation from other detainees. He must learn rules in relation to schedules, visiting correspondence, personal cleanliness, freedom of movement, and approved activities.~~

b) Minimum Standards--Orientation Content

The detainee orientation shall include, but not be limited to:

- a) ~~1) Information pertaining to rising and retiring, meals, mail procedures, work assignments, telephone privileges, visiting, correspondence, commissary, and medical care, etc.~~
- b) ~~2) Rules of conduct.~~
- c) ~~3) Disciplinary procedures.~~
- d) ~~4) Information regarding programs, i.e., work, educational education and~~

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vocational training programs, counseling, and all social services.

e)5) Procedures for making requests or entering complaints to the jail staff, judiciary, or to Department of Corrections personnel.

f)6) Special assistance shall be given to illiterate and non-English speaking detainees.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 701.60 Release Procedures

a) Introduction

1) Carefully followed release procedures are equally as important as proper admission procedures. Attention given to the right for return of personal property demonstrates the jail personnel's attitude.

2) All jail personnel must be familiar with documentation required before a detainee is permitted to leave the jail, whether for a temporary period or as a final release. Positive identification of each detainee prior to release is essential.

b) Minimum Standards

a) Identification

1) Positive detainee identification shall be made by the releasing officer before discharge, transfer, or release is effected.

2) When a detainee is discharged or is released to the custody of another, a record shall be made of the date, time, and the authority.

b) Physical Inspection Examination

Prior to final release or discharge, each detainee shall receive a physical inspection by a person of the same sex, where possible, and a record shall be made of any wounds or injuries.

c) Contraband

Detainees being discharged, released, or transferred shall be searched by a person of the same sex to prevent detainee from eliminate taking property which does not belong to them or other contraband as defined in Section 31A-1.1 of the Criminal Code of 1961 [720 ILCS 5/31A-1.1].

d) Personal Property

All personal property and funds inventoried at the time of admission or added during the period of confinement and not transferred to a third party or expended during confinement, other than those legally confiscated, shall be returned to the detainee upon release.

1) Items shall be carefully inventoried, or otherwise accounted for, with the releasing officer and the detainee signing the inventory form.

2) A copy of the itemized and signed receipt shall be maintained by the jail as a permanent record.

3) Personal property of the detainee being transferred to another

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facility shall be inventoried and items to be transferred with the detainee shall be documented and turned over to the transporting officer in the presence of the detainee. Personal property allowed by the receiving facility shall be transferred with the detainee. Items not transferred shall be disposed of by the transferring facility in accordance with its procedures, for example, having a relative pick up items, mailing items to a person designated by the detainee.

e)5) Transfers to Illinois Department of Corrections

Pursuant to Sections 3-8-1, 3-10-1 and 5-4-1 of the Unified Code of Corrections [730 ILCS 5/3-8-1, 3-10-1, and 5-4-1] (111 Rev. Stat. 1985, ch. 307, par. 1-103-8-1 and 103-10-3 and 111 Rev. Stat. 1986, ch. 307, par. 1-103-4-1) and Section 5-3-5-10 of the Juvenile Court Act [705 ILCS 405/5-33] (111 Rev. Stat. 1987, ch. 37, par. 705-10), when a detainee is delivered to the custody of the Department, the following information must be included with the items delivered:

1) The mittimus or judgment order which must include the offender's name, indictment or petition number, sentence or disposition, offense, judge's name and signature, date of sentence, any court findings concerning offender status (such as, Habitual Juvenile Offender, Violent Juvenile Offender, Guilty but Mentally Ill, Sex Offender, or Truth in Sentencing), dates for time served and where applicable, whether the sentences are to be served concurrently or consecutively. In the case of a youth committed as a delinquent, a certified copy of the court order appointing the juvenile division legal custodian is also required.

2) Any statement by the court on the basis for imposing the sentence.

3) Any presentence reports.

4) The number of days, if any, which the detainee committed--person has been in custody and for which he or she is entitled to credit against the sentence. Certification of jail credit time shall include any time served in the custody of the Illinois Department of Mental Health and Developmental Disabilities, and time served while on probation or periodic imprisonment.

5) A record of the committed person's time, his or her behavior and conduct while in custody of the county. Any action on the part of the committed person, including but not limited to an escape attempt, participation in a riot, assault, battery, intimidation, sexual behavior, arson, or suicide attempt, which might affect security status and a record of medical treatment, if any, should be included in the record.

6) State's attorney's statement of facts. If the statement is unavailable at the time of delivery, the statement shall be transmitted within ten days of receipt by the clerk of the court.

7) Any medical or mental health records or summaries.

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- 8) Name of municipality where the arrest of the detainee committed person and the commission of the offense occurred, if such municipality has a population of more than 25,000 persons.
- 9) All additional matters which the court directs the clerk to transmit.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 701.70 Classification, and Separation, Segregation

a) Introduction

- 1) Minimum segregation is required by law-- jail administrators are responsible for the safekeeping of many different types of persons in a wide range of categories-- five-- legal-- mental-- and physical-- and separating them for administrative purposes.
- 2) A good classification program is contingent upon obtaining essential information on which to base an appraisal-- which will help reduce many security problems and provide safety for staff and detainees-- proper decisions avoid the often dangerous consequence of indiscriminate housing-- Classification can be complicated or it can be a very complex process-- depending upon the size of the jail-- physical facilities-- and staff-- four fundamental conditions must be met:

- A) Security of the jail;
- B) Safety and welfare of the detainees;
- C) Protection of the staff and community; and
- D) Effective use of the jail to fulfill its potential as an instrument of correction and behavior modification for those confined.

b) Minimum Standards

a) Classification Information

Each facility shall have written guidelines for the classification of detainees which specify a classification plan that specifies criteria and procedures for determining and changing the status, assignment, or security of a detainee in inmate. To determine each detainee's degree of security, housing, and programs, and assignments, the following items of information, to the extent available, shall be considered among other matters:

- 1) Sex.
- 2) Age.
- 3) Offense.
- 4) Status, that is, pretrial, pretrial awaiting sentence, or sentenced.
- 5) Past criminal history, including known prior institutional history.
- 6) Probation or parole status.

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- 7) Medical condition and treatment needs.
- 8) Mental and emotional Mental/emotional condition and needs.
- 9) History of substance abuse Mental health problems.
- 10) Homosexuality.
- 11) Academic and vocational needs.
- 12) Special services and program needs.
- 13) Detainee's attitudes regarding him or herself himself and his or her future.
- 14) Gang activity.
- 15) Physical size and stature.
- b) Separation by Category
- 1) Separation by Sex
- Male and female detainees, supervised under both the direct and indirect supervision options (see Section 701.130), must be housed separately by sight and sound. Female detainees shall be confined in an area separated from physical and visual contact with male detainees.

2) Age

Juvenile and adult detainees, supervised under both the direct and indirect supervision options, must be housed separately by sight and sound.

3) Witnesses

Persons being detained as witnesses, supervised under both the direct and indirect supervision options, shall be separated from detainees charged with an offense.

4) Non-Criminal

- A) Non-criminal offenders such as traffic violators, nonsupport cases, and persons charged with civil contempt who are supervised under the direct supervision option shall be kept separate by cell or detention room separated from persons charged with criminal offenses.

- B) When possible, non-criminal offenders such as traffic violators, non-support cases, and persons charged with civil contempt who are supervised under the indirect supervision option, shall be kept separate by detention room cluster or cell block from persons charged with criminal offenses.

- C) When possible, misdemeanants and felons should be housed separately. AGENCY NOTE-- Separate housing is strongly recommended for misdemeanants and felons except where the detainees prior history (see subsection (b)(1)(f)) warrants similar housing.

5) Charged and Convicted Offenders Sentenced-Offender

- A) Charged Sentenced offenders who are supervised under the direct supervision option shall be separated segregated from convicted unsentenced offenders by cell or detention room.
- B) Charged offenders who are supervised under the indirect supervision option shall be separated from convicted offenders by detention room cluster or cell block.

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B) Homosexuals

6) Known homosexuals shall be housed separately.

6) Mentally or Emotionally Disturbed or Impaired Retarded
A) The mentally or emotionally disturbed or impaired retarded shall be housed or tiered separately and maintained under constant supervision as recommended by a mental health professional.

B) Suspected disturbed or impaired retarded persons shall be immediately examined by a mental health professional physician or other competent person, and action shall be taken to transfer them to an appropriate facility. A mental health professional means a psychiatrist, physician, psychiatric nurse, clinically trained psychologist, or an individual who has a master's degree in social work and clinical training.

a) Direct Supervision Option

Where jail design and policies and procedures of jail management meet the requirement of direct staff supervision of inmates within housing areas, classification and prisoner housing assignments may alternatively be based upon prisoner behavior rather than mandatory separation by classification category with the following stipulations:

A) Jail staffing must provide for a correctional officer within each housing area on a twenty-four hour basis. This correctional officer shall be in direct visual and oral contact with prisoners without separation by security walls or other barriers.

B) Exercise of this option does not waive the requirements of subsection (b) which require a classification plan taking into account its designated considerations.

C) Exercise of this option does not waive any requirements of subsection (b)(2) Separation by Category except the requirements of subsection (c).

c) Classification Review

Review of the committed person's security and assignment classification shall be conducted periodically, but at least every 60 days.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 701.80 Housing

a) Introduction

When admission procedures are completed, the new detainee must be assigned quarters based upon separation and classification requirements.

b) Minimum Standards

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The following statements of required minimums while mandatory are not intended to discourage the meeting of a higher standard. No county is encouraged to incorporate recognized professional standards in the planning and design of new facilities even though such standards may not be cited herein. It should also be noted that compliance with standards which exceed those which are cited herein as minimums has frequently been ordered by the courts in connection with jail conditions litigation.

a) Cell and Detention Room Space

1) At least 50 square feet of floor space shall be provided in each cell with a minimum ceiling height of eight feet.

2) At least 64 square feet of floor space shall be provided for each detention room with a minimum ceiling height of eight feet.

3) With regard to existing facilities, the Department of Corrections will not initiate legal action against a county if the only physical noncompliance relates to square footage of the individual cell or detention room. The facility would technically not be in full physical compliance, but no formal action would result unless these are additional noncompliance such as not providing suitable quarters as a result of overcrowding.

b) Cell or Detention Room Occupancy

All existing cells and detention rooms should be designated for a maximum of double occupancy (two inmates per cell or detention room).

c) Cell or Detention Room Equipment

Each cell or room shall be equipped with:

1) A rigidly constructed metal bed, with a solid or perforated metal bottom, securely anchored to the floor or end wall or a concrete sleeping surface; a flame-retardant mattress with no inner springs; staph-check mattress covering; and bed covers suitable to the season. A sleeping surface constructed of concrete may only be used if the construction design is approved in advance by the Department of Corrections. In determining whether to approve the construction design of concrete beds, the Department will consider, among other matters, the architectural design, whether the concrete is solid, whether beds they would be constructed in a manner which would not affect heating of the cell, whether the height and measurements are similar to a standard jail bed, and whether the location of the bed would restrict detainee movement.

2) A washbasin with piped hot and cold water. A supply of disposable drinking cups shall be provided if the washbasin is not drinking fountain equipped.

3) A prison type toilet.

4) Illumination sufficient to assure a comfortable reading at desk level, (at least 20 foot-candle) illumination at a height of three feet above the floor. Light fixtures shall be tamper proof.

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d)4) Dormitory Space

1)A) A dormitory is defined as a multiple occupancy room which is designed to hold more than two inmates who are screened prior to admission for suitability to group living.

2)B) Floor space for dormitories shall be determined by the number of detainees each individual dormitory is designated to house.

A) At least 50 square feet of floor space shall be provided per occupant.

B) There shall be a clear floor to ceiling height of not less than eight feet.

e)5) Dormitory Occupancy

1)A) The measures outlined in Section 701.70 (Classification, Separation, Segregation) shall be followed prior to placement in a dormitory observed to ensure reasonable screening and assignment.

2)B) Dormitories are to be utilized exclusively for persons who are suitable for group living. It is suggested that the most likely candidates for dormitory style living are work releasees, weekenders, trustees, and sentenced misdemeanants (after intensive screening).

f)6) Dormitory Room Equipment

Each dormitory shall be equipped with:

1)A) A bed for each detainee of a rigidly constructed metal bed, with a solid or perforated metal bottom, the bed shall be securely anchored to the floor or end/or wall, for each detainee.

2)B) A washbasin with piped hot and cold water for every eight occupants. A supply of disposable drinking cups shall be provided if the washbasin is not drinking fountain equipped.

3)C) A prison type toilet for every eight occupants.

4)B) A shower with piped hot and cold water for every eight occupants.

5)B) Illumination sufficient to assure a comfortable reading at desk level. (at least 20 30 foot-candles at a height of three feet above the floor). Light fixtures shall be tamper proof.

6)F) Securely anchored metal tables as well as chairs or benches. Tables and chairs do not have to be securely anchored in direct supervision units provided that alternatives would not affect the safety and security of the facility or individuals. Adequate seating shall be provided for detainees each detainee.

g)7) Accessibility Access-by-Elevator

Cells No-cells or detention rooms shall conform to current building and accessibility codes be located above the first-floor-unless key operated elevator service is provided. This standard is waived for existing structures.

h)8) Day Room

A-day-room-is-defined-as-an-area-separate-from-but-in-conjunction with-individual-cells-or-detention-rooms-which-allows-two-or-more inmates-access-from-their-cells-or-detention-rooms--The-purpose-of-a

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day-room-is-to-allow-the-participation-of-contact-between-inmates--for leisure-time-activities-such-as-cards-dominos-checkers-or-similar nonstructured-diversions-Day Additionally-day rooms provide a place for meals to be eaten outside individual cells or detention rooms and for other approved activities.

1)A) For existing structures, a A day room area containing no less than 35 square feet must be provided in conjunction with each cell block or detention room cluster. For new structures or major renovations of existing cell blocks or detention room clusters, a day room area containing no less than 35 square feet per cell or detention room must be provided in conjunction with each cell block or detention room cluster.

2)B) Each day room shall be equipped with securely anchored metal tables as well as chairs or benches. Tables and chairs do not have to be securely anchored in direct supervision units provided that alternatives would not affect the safety and security of the facility or individuals. Adequate seating shall be provided for detainees each detainee.

1)9) Showers

Showers shall be provided in each cell block area.

1)10) Mirror

Cells and detention rooms shall contain a metal mirror anchored securely to the wall.

k)11) Ventilation

Detention areas shall be comfortably heated and cooled according to the season with a system designed to eliminate disagreeable odors and to routinely provide temperatures within the normal comfort zone.

1)12) Compliance

1) All requirements of a physical nature shall be complied with by the jails. However, if the Department of Corrections has previously given written approval for final architectural plans for new construction or remodeling, new standards of a physical nature will not be enforced. following dates:

A) Dates-built-in-1959-or-before-shall-be-in-compliance-by January-17-1986-

B) Dates-built-between-1951-1970--shall-be-in-compliance-by January-17-1990-

C) Dates-built-between-1971-1979--shall-be-in-compliance-by January-17-1995-

D) Dates-built-after-1979--and--jails--currently--under construction--must--comply--However--if-the-Department-of Corrections-has-previously-given-written-approval-for--final architectural-plans-for-new-construction-or-remodeling--new standards-of-a-physical-nature-will-not-be-enforced-

2)B) Those noncompliances relating to physical conditions which adversely affect the treatment of detainees with respect to their health and safety may be considered for further action under the provisions of Section 3-15-2(b) of the Unified Code of

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Corrections [730 ILCS 5/3-15-2(b)] (Eff. Rev. Stat. 1907--Supp. 7 ch. 907--par. 1003-15-2(b)).

m) 13) Variances

1) Variances connected with physical requirements may be granted by the Director of the Department of Corrections for existing facilities for a specific period of time. Variance expiration dates will be determined at the time granted. Variance requests of an administrative nature will not be granted. In determining whether to grant a variance, the Department will consider, among other factors, the nature of the standard, previous noncompliance, the cost, the population, the alternative means of complying with the intent of the standard, the length of time requested for the variance, the consequences if the variance is not granted, and the safety and security of the facility or individuals.

2) A) The variance request must be in writing, signed by the sheriff, and pertain to a specific standard. B) The request must describe the reasons for the variance; the period of time for the variance; any hardship the facility might experience by complying with the standard; plans to be implemented to eventually comply with the particular standard; and a statement that the variance would not adversely affect the health and safety of detainees or security of the jail.

ii) At least one of these criteria will be considered--in--arriving at a decision:

3) B) The approval or denial of a variance request will be returned by letter to the requesting governmental agency.

4) E) The Director of the Department of Corrections, at his or her discretion, may grant a renewal of the variance provided documentation is received from the governing body which indicates a good faith effort on its part to effect necessary actions to comply with the standard in question.

B) A permanent variance, depending on the circumstances, may be granted:

n) 14) Architectural Plans

New construction and remodeling plans of detention facilities must be submitted to the Department for review and approval to ensure the physical plant conforms to the standards.

1) A) The architect's preliminary drawings and final plans and specifications shall be submitted.

2) B) Plans showing the proposed building location must be submitted to the Illinois Department of Transportation, Division of Water Resources, to determine compliance with the Regulation of Construction within Flood Plains (92 Ill. Adm. Code 706) and Construction Activities in Special Flood Hazard Areas (Executive Order 79-4, effective June 1, 1979).

3) E) Subsection (c)(1), (3), and (4), subsection (f)(6), and subsection (h)(2) Subsections (b)(3)(A)-(E) and (b)(4)(A)

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and (b)(4)(B) of this Section may be waived for those facilities exercising the Direct Supervision Option, as described in Section 701.70(e) 701-70(b)(4)(B), provided that alternatives would not affect the safety and security of the facility or individuals.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 701.90 Medical and Health Care

a) Introduction

1) For more than half a century, courts have held it a jailer's duty to exercise reasonable and ordinary care to protect a detainee's life and health. More recently, courts in several states have ordered direct and substantial medical services to be provided persons in jail confinement.

2) Health services should reflect the desire of the community to provide health care equivalent to that accorded its citizens in the free community. The detainee must be shown concern and interest in his physical and mental well-being. Confinement for many persons generates psychosomatic reactions. Some detainees will attempt to manipulate jail staff with numerous physical complaints in order to attract attention. Plot escape--obtain drugs--or create situations in order to register complaints regarding their treatment.

3) Jail personnel cannot risk the consequences in refusing a detainee's need of or request for medical attention. Economics or a detainee's behavioral history must not be allowed to influence the decision to provide emergency medical attention. The current edition of the American Medical Association Standards for Health Services in Jails should be consulted as guidelines for planning, developing, and implementing medical and health services.

b) Minimum Standards

a) Medical and Health Services

All jails shall provide a competent medical authority to ensure that the following documented medical services are available:

1) A) Collection and diagnosis of complaints.

2) B) Treatment of ailments.

3) E) Prescription of medications and special diets.

4) B) Arrangements for hospitalization.

5) B) Liaison with community medical facilities and resources.

6) F) Environmental health inspections.

7) G) Supervision of special treatment programs, as for alcohol and other drug dependent detainees inmates.

8) H) Administration of medications.

9) I) Maintenance of accurate medical records.

10) J) Maintenance of detailed records of medical supplies,

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particularly of narcotics, barbiturates, amphetamines, and other dangerous drugs.

b)2) Physician and Dental Services

1)A) A medical doctor shall be available to attend the medical and mental health needs of detainees. Arrangements shall be made for provision of a dentist to provide emergency dental care as determined necessary by a dentist or a medical physician.

2)B) General medical physician services may shall be provided by one or more of the following procedures:

A) Staff physicians; On--salary--in accordance with locally established personnel pay plan.

B) Contractual services; or A contract with a local physician or clinic for full-time coverage at specific hours--and--for emergencies.

3) A contract with a local physician to conduct sick calls; be on call for emergencies; and to examine newly admitted persons.

C) Arrangements with a nearby hospital to provide all needed medical services.

D) Services rendered without cost by another agency or department with costs prorated.

c)3) Admission Examination

1) All persons admitted to confinement shall undergo a physical assessment examination as prescribed in Section 701.40(1) of the Code.

2)A) Newly admitted persons suspected of having any type of communicable disease shall be isolated and an immediate referral shall be made to the jail physician for possible transfer to a medical facility unless the admitting facility can safely and effectively segregate and maintain a medically prescribed course of treatment.

3)B) All detainees confined shall be given a medical screening by a medical doctor, a registered nurse, a licensed practical nurse, or a physician assistant within 14 days after confinement and as required by a medical doctor thereafter.

d)4) Sick Call

1) A schedule shall be established for daily sick call.

2)A) The names of those detainees reporting to sick call shall be recorded in the medical log.

3)B) Detainees with emergency complaints shall receive attention as quickly as possible, regardless of the sick call schedule.

4)E) Non-medical jail staff may issue any form of over-the-counter medication, providing the attending physician gives prior written approval to the facility for such issue and the issue is made at the request of the detainees.

e)5) Written Record or Log

A written record shall be maintained, as a part of the detainee's personal file, of all treatment and medication prescribed, including

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the date and hour such treatment and medication is administered. A written record shall be maintained of over-the-counter medication, for example, aspirin, cough medicine, etc., issued by jail staff. A written record shall be kept of all detainees' special diets.

f)6) Medical Security

1) Security of medical supplies shall must be maintained at all times. Drugs, including over-the-counter medication, and other abusable medical supplies shall be secured and accessible only to designated staff.

2)A) When a physician or other medical personnel attends patients at the facility, a jail officer shall be present to maintain order, prevent theft of medication and/or equipment, or supplies, and to assure an orderly process.

B) Drugs--including over-the-counter medication--and--other abusable medical supplies--shall be secured and accessible only to designated staff.

3)E) Detainees shall receive one dose of medication at a time and shall be required to ingest medication in the presence of a medical staff member or jail officer.

4) Detainees shall not be assigned to work with or have access to medical supplies, patients, records, or medications.

g)7) First Aid Training

At least one member of the jail staff on each shift shall have completed a recognized course of first aid training, including cardiopulmonary resuscitation (CPR).

h)8) First Aid Supplies

Those facilities not having a dispensary shall maintain a stock of first aid supplies for the treatment of cuts, bruises, sprains, and other minor injuries.

9) Detainee Access to Medical System

Detainees shall not be assigned to work with or have access to medical supplies, patients, records, or medications.

i) TB Isolation

The following standards shall be followed for TB isolation rooms, where provided, and associated shower rooms.

1) Supplied air to a room should be a continuous and constant volume. Variable air volume devices should be locked open. Air flow should be measured and balanced to original building specifications. The air supplied must be a minimum of six air changes per hour.

2) Air returns shall be permanently sealed.

3) All air from the room shall be exhausted to the exterior of the building. Exhaust air volume in a room must always be greater than the supplied air volume. Several rooms may be exhausted from one exhaust fan.

A) Where feasible, the exhaust fan outlet at the exterior of the building shall be situated to prevent room air from being discharged near inhabited areas, building air intakes,

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and exterior zones of stagnant or trapped air.

B) Where the above is not feasible, room air should be directly exhausted through a high efficiency particulate air (HEPA) filtration system. If a HEPA system is utilized, the system shall be installed and filters shall be replaced as recommended by the system manufacturer.

4) An air pressure switch or sail switch should be placed in the exhaust air duct. This switch should illuminate a red light at an occupied station when air flow in the duct is disrupted. A sign should be placed next to the red light instructing individuals to call the maintenance department immediately when the red light is illuminated. Facilities using a window exhaust fan or through wall unit will have to install a similar indicator light showing loss of power.

5) A differential air pressure gauge should be used to monitor each isolation room. The gauge has two ports. The gauge should be piped per the manufacturer's instructions. One port is piped to the isolation room. The other should be piped to the hallway outside that room. The gauges should be placed in a location where they are convenient to read, but are also protected from vandalism and damage. They may require a cover or other protective device. The staff will be responsible for monitoring these gauges to ensure differential pressure is being maintained.

6) Operable windows must be closed permanently or made inoperable.

7) The corridor door to the isolation room must have a door closer installed. The corridor must not be allowed to remain in the open position when occupied.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 701.100 Clothing, Personal Hygiene, Grooming

a) Introduction

1) Development--of--a--good--attitude--toward--personal--hygiene--and grooming--benefits--any--jail--program--it--enhances--morale--self-respect--and--health--and--contributes--to--a--more--positive relationship--between--staff--and--detainees.

2) Arbitrary--rules--for--personal--appearance--are--sometimes--encountered which--reflect--bias--and--violate--detainee--rights--on--the--other hand--some--persons--admitted--to--jail--may--practice--such--poor standards--of--personal--hygiene--as--to--be--obnoxious--to--others--and make--fellow--detainees--uncomfortable.

b) Minimum Standards

a) Cleanliness

1) Mechanical washing, drying equipment, and cleaning agents must be provided when detainees are required to supply and wear personal clothing.

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2) When clothing is provided by the jail, clean clothing shall be issued at least twice ~~once~~ weekly.

b) Grooming and Personal Hygiene

1) Detainees without funds shall be provided necessary equipment and articles to maintain proper grooming and hygiene, when requested by the detainee.

2) Bathing or showering shall be allowed ~~three times~~ ~~required twice~~ weekly, except as amended by medical advice in individual cases.

3) Detainees ~~shall not be required to shave~~.

4) Detained males shall be permitted to shave daily. Shaving equipment and shaving soap shall be made available. Safety razors shall not be shared between detainees.

5) Detained females shall be provided with shaving supplies appropriate for personal hygiene needs.

6) Barber and beautician services shall be made accessible but must not violate required security measures.

7) Hair ~~shall be kept neat and clean--there shall be no standard--hair--length--or--style--required--Sideburns mustaches--and--beards--are--acceptable.~~

8) When ~~a--detainee--neglects--the--requirement--of--neat--and clean--grooming--the--sheriff--or--chief--administrative officer--may--designate--grooming--standards--to--be maintained--by--that--detainee.~~

9) Female detainees shall be provided articles for feminine hygiene.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 701.110 Food Services

a) Introduction

1) Food is ~~a--most--important--factor--to--a--detainee--it--assumes--a greater--significance--than--when--he--was--free--in--the--community--the method--of--preparing--and--serving--it--menu--variety--quality--and quantity--all--influence--detainee--behavior--and--morale--poor--food is--a--major--source--of--complaint--and--is--often--identified--as--the cause--of--jail--discontent--and--disorder.~~

2) A good food service program requires three meals per day--spaced at--reasonable--intervals--adequate--in--quantity--nutritionally balanced--well--prepared--attractively--served--and--provided--at moderate--cost--it--requires--careful--planning--and--competent supervision--in--food--purchasing--preparation--and--serving.

b) Minimum Standards

a) Meal and Food Service

1) Facilities ~~shall provide meals and food service that conform to the following:~~

1) Food must be of sufficient nutritional value and provide a

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minimum of 1,800 to -2,000 calories for adults and 2,500 to -3,000 calories for juveniles per day.

2) B Food quantity must be sufficient to satisfy, within reason, the detainee's needs.

3) E Meals shall be provided at reasonable and proper intervals, that is ~~to~~, adhering to recognized breakfast, lunch, and dinner schedules. Meals Breakfast shall not be served earlier than: 6:30 a.m. for breakfast, ~~tunch-no-earlier-than~~ 11:00 a.m. for lunch, and ~~supper-no-earlier-than~~ 4:00 p.m. for supper.

4) B A beverage drink other than water shall be served with each meal.

5) B Of the three meals provided for each 24 hours of detention, one shall be a balanced and complete hot meal.

6) F Special diets shall be adhered to when prescribed by a jail physician.

2) Meat-Preparation-and-Food-Service-Sources-of

7) The jail administrator warden may elect to provide meals and food service by one or more of the following methods:

A) Contract for catered food service.

B) Provide frozen, or otherwise pre-prepared, meals which have been processed by the procedure required to produce a condition suitable for consumption.

C) Food preparation and service in an on-site kitchen with food service staff who are employees of the facility.

8) At least one full-time cook or the food service provider shall have food services sanitation manager certification from the Illinois Department of Public Health.

9) Detainees may abstain from any foods the consumption of which violates their required religious tenets.

A) Menu items may be substituted when a detainee's religious beliefs prohibit the eating of particular foods.

B) The detainee may submit a written request to the jail administrator for an alternative diet.

C) The jail administrator may confer with religious leaders or faith representatives in determining whether to grant any such requests.

b) 3 Menus

1) A Menus shall be preplanned and copies of the menu served shall be maintained for a period of three months.

2) B The menu shall be diversified so as to avoid the monotony of a standardized diet.

4) Portion-or-Serving

A-portion-or-serving-shall-be-defined-as-a-quantity-which-looks good-on-the-plate-or-tray-and-is-satisfying-to-the-majority.

c) 5 On-site Food Preparation and Service-Facility-Provided

Food-service-shall-conform-to-the-following:

1) A Food service operations, whether contractual or on-site, shall be conducted in conformance with the Illinois Department of

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Public Health Sanitation Code, 77 Ill. Adm. Code 750 The-jail-cook-or-kitchen-staff-must-be-familiar-with-security-aspects-of-jail-operation-and-effective-in-training-and-supervising detainees-in-food-services.

2) J Detainees shall be screened by medical staff prior to commencing work in food services areas assigned-to-food-service-must-undergo-a-physical-examination-and-be-certified-free-of-communicable diseases.

3) J Employees and detainees shall be visually evaluated at the beginning of each shift. Any individual with boils, infected wounds, or respiratory infections must be cleared by medical staff before being permitted to work in any food service area. Personnel-appearance,--whether-employee-or-detainee,--must-be inspected-regularly.

4) J Detainees working in food service shall be required to bathe daily and dress in be-provided-with clean work clothing provided by the jail prior to their daily work shift.

5) The jail cook or kitchen staff must be familiar with security aspects of jail operation and be effective in training and supervising detainees in food services.

6) B Heated A-heated or insulated carts ~~cart~~ capable of transporting containers of food, beverage drink, and eating utensils shall be utilized when the serving or dining area (cell, day room, etc.) is a significant distance from the kitchen and appropriate food holding temperatures temperature would not otherwise be maintained.

7) E Food and drink, while being stored, prepared, displayed, served, or transported, shall be protected from contamination by insects or foreign substances.

8) B Divided or compartmented trays shall be used for full meal service. Food trays, dishes, and eating utensils shall be removed from detainee's quarters (cell, day room, etc.) soon after the meal is finished and returned to the kitchen for proper washing and sterilizing or disposal.

9) Openings to the outside shall be effectively protected against the entrance of rodents and insects by tight fitting self-closing doors, closed windows, screening, controlled air currents or other means. Screens for windows, doors, skylights, transoms, intake and exhaust air ducts, and other openings shall be tight fitting and free of breaks. Screening materials shall be at least 16 mesh to the inch.

10) B Ranges, stoves, and ovens shall be equipped with an accurate thermostat or temperature gauge and be in conformance with state or local fire codes pertaining to hood exhaust and fire suppression systems.

11) F A mechanical dishwasher which meets Illinois Department of Public Health standards (77 Ill. Adm. Code 750) is preferred, but in its absence:

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- A)†† A three-compartment, stainless steel sink with drainboard is required: one compartment for washing with hot 110 degrees--F. water containing adequate soap or detergent; a second one compartment for rinsing; and a third one compartment for sterilization with a chemical sanitizing agent of the water with a temperature of no less than 170 degrees F. or sterilization-using-a-sanitizing-agent.
- B)†† Dishes and trays shall be drain dried and not wiped dry.
- 12)† Dry stores such as flour, cereal, dried beans, peas, coffee, and canned goods shall be stored in a cool, dry, and well ventilated area, screened or otherwise protected against insects and rodents.

- †† Containers-used-to-store-dry-bulk-quantities-shall-be lined-with--or--have--the--interior--coated--with--an acceptable-impervious-substance-or-plastic:
- 13)†† Fresh fruits, vegetables, dairy products, meats, and frozen foods shall be refrigerated. All refrigerators and freezers shall be equipped with an accurate thermometer. Frozen food shall be kept at or below 0 degrees F. temperature. Potentially hazardous food items shall either be stored frozen or at or below 41 degrees F. All perishable food shall be stored at such temperatures to temperature-as-will protect against spoilage (45 degrees-F.-or-below).

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 701.120 Sanitation

- a) Introduction
- †† Detergent, water, and supervision are three things essential to a clean jail.
- 2) Good sanitation must be a prime consideration. Sanitation procedures can be easily overlooked or ignored. Jail administrators must impress on jail staff that cleanliness improves the general conditions of the jail and affects detainee attitudes. Insistence upon keeping the facility clean demonstrates to detainees that they are important as human beings.
- 3) One of the most difficult tasks in effecting and supervising good sanitation practices is instructing newly admitted detainees of the importance for keeping their quarters clean. Individual differences exist between detainees with respect to their personal habits. Some are cleanliness-conscious while others are not. Efficient supervision will note these differences and will quickly identify detainees who habitually have dirty cells or rooms.
- b) Minimum Standards

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- a)†† General Requirements
- A-cleaning-schedule-shall-be-established:
- 1)†† Non-carpeted floors shall be swept and mopped with detergent or a germicidal agent at least once daily. Germicidal cleaning agents shall be used on all floors in toilet, shower, and food service areas.
- 2)†† Windows shall be clean.
- 3)†† Openings to the outside shall be effectively protected against the entrance of rodents and insects with tight fitting self-closing doors. When insect-screens-shall-be-installed-in windows--when appropriate, closed windows or screening may be utilized for protection against flying insects. Screening material shall not be less than 16 mesh to the inch.
- B) Ventilation--must--be--sufficient--to--admit-fresh-air-and-remove disagreeable-odors.
- 4)†† Forced air or other form of artificial ventilation in the living area shall provide at least 10 60 cubic feet of fresh or purified air per minute of air-exchange per person.
- 5)†† Walls shall be kept clear of etched or inscribed graffiti or and/or writing.
- 6)†† Walkways and corridors shall be free of litter or trash.
- 7)†† Mops and other cleaning tools and implements shall be thoroughly cleaned and dried after each use and securely stored in a well ventilated place under staff control.
- 8)†† All detainee cleaning details shall be under the supervision of a jail officer.
- b)†† Facility Equipment
- 1)†† Quarters Toilets, equipment--toilets, washbasins, shower stalls, and sinks, --shall be thoroughly cleaned and sanitized each day with detergent and a germicidal agent.
- 2)†† All-trash-and-garbage-containers-shall-be--equipped--with--tight fitting--covers. Trash and garbage shall be removed at least daily and disposed of in a sanitary manner.
- c)†† Facility Drinking Equipment
- Drinking water shall be provided in cells, dormitories, recreation or day room areas and may be from a sink tap, or preferably, a sink spout (bubbler).
- d)†† Facility Supplies
- 1) An adequate supply of clean clothing, bedding, towels, soap, and cleaning supplies shall be maintained.
- 2)†† Sheets, pillowcases, and mattress covers shall be changed and washed at least once a week.
- 3)†† Vinyl covered mattresses must be washed with hot water, detergent, and disinfectant monthly or before reissue.
- 4)†† Blankets shall be laundered, or otherwise sterilized, monthly or before reissue.
- 5)†† Cotton or fiber filled mattresses or pads shall be aired and spray sanitized monthly or before reissue.

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6)B) A clean towel shall be issued each detainee at least twice weekly.

7)P) Shaving and barber tools shall be thoroughly cleaned, disinfected using bleach or a germicidal agent, by the staff and secured.

e)5) Facility Food Service

1) The floors of all rooms in which food or drink is stored, prepared, served, or in which utensils are washed, shall be kept clean.

2)A) All counters, shelves, tables, equipment, and utensils with which food or drink come in contact shall be maintained in good repair and free of corrosion, cracks, and chipped or pitted surfaces.

3)B) Utensils shall be stored in a clean, dry place protected (covered or inverted) from flies, dust, overhead leakage, and condensation.

4)E) There shall be adequate plumbing facilities, in good working order which meet applicable State plumbing codes or public health standards.

5)B) The range cooking surface shall be scraped daily. Hoods, vents, and filters shall be cleaned regularly.

6)B) All windows, walls, and woodwork shall be kept clean.

f)6) Body Pests

1)A) Frequent inspection of living areas shall be made to aid in control of body pests.

2)B) Immediate control or extermination measures shall be taken when body pest infestation occurs. Control measures may include including spraying or fumigation of bedding-clothing, equipment and all-areas-of--the building areas and spraying, controlled storage (to interrupt pest reproductive cycles), and laundering of bedding, clothing, and other equipment supportive-of-existence and-reproduction-of-the-pests.

g)7) Pest and Vermin Control

A continuous and effective program of insect and rodent control and extermination shall be established and documented.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 701.130 Supervision

a) Introduction

1) The-primary-objective-of-any-jail-is-to-provide-a-safer-securer and-humane-facility.

2) The-primary-function-of-any-jail-is-the-safekeeping--and--control of--persons-charged-with-or-convicted-of-a-crime--in-a-detention setting--the-gamut-of-human-emotions-and-behavioral-reactions--to them--can--be--seen--depression--cain--rage--Twenty-four-hour

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supervision-by-trained-personnel-is-necessary-to-maintain-a--safe and-secure-facility-

3) Proper--supervision--provides-protection--to--both--staff--and detainees--Mischievous--or--malicious--acts--cannot--be--easily plotted-and-carried-out-and-escapes-or-attempted-escapes-are-more easily-thwarted-when-staff-direction-is-constant-

4) Supervision-is--more--than--surveillance--for--it--includes--the elements--of-interaction-between-people--Electronic-surveillance should-never-be-relied-upon-as-a-primary-form-of-supervision--it is-an-important-supplement-to-direct-contact-supervision--but--at best--it-provides-only-conditional-watchfulness-

b) Minimum Standards

a)1) Shift Coverage

1) There must be a sufficient number of officers present in the jail, awake and alert at all times, to provide supervision directly or indirectly while detainees are in custody.

A) Direct supervision means direct and continuous supervision of detainees by a jail officer on a 24-hour basis. The jail officer shall be in direct visual and oral contact with the detainees, without separation by security walls or other barriers.

B) Indirect supervision means non-continuous direct visual and oral contact with detainees and may include separation by security walls or other barriers.

2)A) A jail officer shall provide personal observation, not including observation by a monitoring device, at least once every 30 minutes.

3)B) Dormitories housing more than 25 inmates must provide personal continuous observation by staff, not including observation by a monitoring device.

4)E) Radio operators who may perform performing jail officer duties such as--to-include 30-minute supervisory checks, shall have jail officer training in accordance with Section 701.10.

b)2) Shift Log Record

A written record book, or log, with entries in ink or a time clock type record shall be maintained by each jail officer assigned to cell block duty on each shift. Entries shall show the time of each visit by the jail officer, his or her signature, and any relevant remarks such as incidents and activities occurring on the shift.

c)3) Detainee Imposed Discipline Prohibited Kangaroo-Courts-and-Barn-Boss System

Kangaroo--courts--sometimes-called--"Sanitary--Courts"-or-"Barn-Boss System"--or--any-other-similar-detainee-organization--shall--be prohibited: No detainee shall ever be allowed to have authority or disciplinary control over anyone.

d)4) Night Hours

1)A) Detainees shall be locked in their individual cells between the designated times of lights out and arising in the morning, except

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for night work crews which are continuously supervised.

- 2)B) Designated lights out time shall be determined by administrative policy but shall not be set earlier than 10:00 p.m.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 701.140 Security

a) Introduction

- 1) No correctional program can be successfully implemented without effective security. All jail personnel must be continuously attentive to security measures. Apathy, temporary lapse of caution, and ignoring procedures for personal convenience are major causes of breakdown in custody procedures.

- 2) Jail officers must follow proven security procedures in an unobtrusive manner with a minimum of disruption or interference with jail activities. Security objectives are more easily accomplished when each officer's work coordinates with that of other personnel in this way. Staff confidence and trust develops which in turn has a positive effect on the total jail environment.

- 3) Although mechanical locking devices and other equipment are an important part of the jail security system, the final dependence is on training and alertness of staff.

b) Minimum Standards

a) Searches

Detainees permitted to leave the confines of the jail temporarily, for any reason, shall be thoroughly searched prior to leaving and before re-entering the jail.

b) Supervision

Jail officers and other personnel assigned to jail duty must be trained in security measures and handling special incidents in accordance with Section 701.10 such as assaults, disturbances, fires and natural disasters.

c) Facility Security Measures

Jail officers only must exercise and control security measures and shall not permit detainee assistance.

- 1) All jail locks, and doors, bars, windows, screens, grilles, and fencing shall be regularly and frequently inspected to ensure their proper functioning working order and to detect and prevent escape efforts.

- 2) All cell block doors and all doors opening into a corridor shall be kept locked, except when necessary to permit entry or exit.

- 3) In cell block design which includes safety vestibules, two doors into the cell block shall not be unlocked and opened at the same time.

- 4) Unoccupied cells, detention rooms, and storage rooms shall be

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kept locked at all times.

- 5) Backup personnel shall be notified and available when cell doors to living quarters are opened.

- 7) Detainees with hold orders shall not be assigned trusty status.

- 6) Glass or unattached metal items shall not be permitted in the detention area.

- 7) Trusties shall be carefully supervised and not be permitted unrestricted movement.

- 8) Jail sections housing persons who are escape risks, suicidal, hardened or escape-minded detainees, inebriated persons with suicidal tendencies, the ill, and the mentally disturbed or impaired, or who present special security concerns, shall be given special care and supervision and checked more frequently than the standard 30-minute check.

- 9) A master population record, computer print-out or locator board, shall be established and maintained at the control center, indicating the various jail sections and housing assignments.

- 10) Jail officers shall conduct population spot checks at least hourly.

- 11) A documented inventory of all keys available to jail officers shall be made at the beginning of each shift.

- 4) Shakedown
12) Random, unannounced, frequent but irregularly scheduled shakedowns shakedown of detainees and their quarters shall be made to detect the presence of weapons and other contraband.

- 13) Bars, walls, windows, and floors of the jail and detention sections shall be regularly and frequently inspected and kept clear of large posters, pictures, calendars, and articles of clothing which might be used to conceal escape attempts.

d) Tools and Equipment Makeshift Weapons

- 1) All tools and equipment shall be inventoried and securely stored.
2) The jail shall have a method of accounting for all tools and equipment issued, received, and returned to secure storage.

- 3) After use, tools and equipment shall be accounted for by the jail officer responsible and secured in the returned-to-their proper storage place.

- 4) Eating utensils shall be accounted for after each meal and returned to the kitchen.

- e) Maintenance
Any damaged or nonfunctioning security equipment must be promptly reported and repaired.

- f) Access to Keys and Records by Detainee
1) Detainees, including trustees, shall not be permitted to handle, use, or have jail keys of any type in their possession.

- 2) No detainee shall be assigned work that requires access to any personnel records of staff or persons currently or previously in detention nor to staff personnel records.

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g) Population Count

A physical head count shall be made and recorded at least three four times daily, including counts taken at change-of-shifts and night lockup.

h) Key Control

- 1) A record of all keys inventoried and issued shall be maintained.
- 2) Jail keys must be stored in a secure key locker when not in use.
- 3) There must be at least one full set of jail keys, separate from those in use, stored in a safe place, accessible only to designated jail personnel for use in the event of an emergency.

i) Firearms and Other Weapons

- 1) No person, including law enforcement personnel, shall be permitted to enter any secure section of the jail with a gun or other weapon on his or her person.
- 2) Weapons shall be stored in a secure and locked drawer, cabinet, or container outside the security area.
- 3) Reserve firearms ammunition, chemical agents, and other protective equipment shall be stored in a secured room (arsenal).

j) Chemical Agents

Persons who may be authorized to use designated-to-authorize-the-use of tear gas, mace, Oleo Capsicum (commonly known as pepper mace or OC), etc. in accordance with the jail's written policy, shall be named in writing and shall be trained in the proper employment of the chemical agents. Such training shall be documented.

- 1) Chemical agents shall be used only as a last resort to bring a detainee under the necessary degree of control and only after thorough consideration of alternative means and of the hazards involved, including the physical characteristics of the area where it is to be used. A record of the incident shall be made.

2) Detainees affected by tear gas or other chemical agents must be given a thorough medical examination and appropriate treatment immediately after security control has been gained.

k) Tool Control

All tools shall be inventoried and locked in a secure place.

k) Emergency Power Source

- 1) An emergency electrical power source shall be available in the event of a power failure.
- 2) Emergency flashlights must have a six hour illumination capability.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 701.150 Safety

a) Introduction

- 1) Introduction
 - i) Discipline is a system of rules which gives training by instruction, control, and practice and includes administering punitive action. Equitable and consistent discipline is a prerequisite for proper jail operation.
 - 2) A well-trained staff is essential to good discipline within the jail. Jail officers have a responsibility to assist detainees in

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The fine line between good safety and good security practices is almost indistinguishable. One complements the other. For the purposes of these standards, safety protects both staff and detainee.

b) Minimum Standards

a) Fire Protection

- 1) Based on the size of the facility, there shall be at least one fire extinguisher installed in the basement and on each floor for each 5,000 square feet of floor area.
- 2) Extinguishers shall be readily accessible to staff but not detainees. The local fire department shall be contacted regarding the location, type, and number of fire extinguishers.
- 3) Extinguishers shall be examined not less than once each year and shall be tagged with the date of inspection and initials of the inspector.
- 4) All jail personnel shall be familiar with the characteristics and operation of all types of extinguishers in the facility.

5) Prepare and post a fire plan requiring simulated fire drills, use of equipment, evacuation procedures, and other requirements of the Fire Marshal.

b) Emergency Exits

Emergency exits shall be clearly indicated with exit signs. Exit doors shall be clearly marked with exit signs. Exit doors shall be clearly marked with exit signs.

- 1) The location of emergency exits shall be made known to all jail personnel and the keys for the doors shall be immediately available to jail staff.

2) There shall be two exits from each floor of detention. All means of egress shall be kept clean and open.

c) Horseplay

Residents shall be prohibited from engaging in wrestling, contact sports, horseplay, or any activity likely to that could cause injury.

d) Safety Orientation

Detainees who volunteer and are assigned to vocational tasks shall be given a safety orientation prior to participation.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 701.160 Discipline

a) Introduction

- 1) Introduction
 - i) Discipline is a system of rules which gives training by instruction, control, and practice and includes administering punitive action. Equitable and consistent discipline is a prerequisite for proper jail operation.
 - 2) A well-trained staff is essential to good discipline within the jail. Jail officers have a responsibility to assist detainees in

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achieving acceptable behavior and self-control. A trained jail officer prevents situations that result in rule infractions. An officer who knows the operation of his post, the rules, and the detainees assigned to his area of responsibility can anticipate circumstances that need special attention and thereby prevent difficulties.

3) Rules must be reasonable and evenly applied. Jail administrators cannot afford to have them capricious, arbitrary, or unduly severe. A growing body of court decisions demonstrate that the civil rights of detained persons will not be ignored. Courts have intervened to protect detainees from poor administrative decisions and practices that infringe upon those rights. Just as rules must be reasonable, action taken to determine an alleged infraction must be based on findings of fact. Once proven, penalty action is compelled to recognize the offenders' civil rights. Some court decisions have held administrators personally liable for monetary damages in instances of civil rights oversight.

5) It is important that disciplinary measures be related to the infraction and be fairly applied. Jail regulations and the possible consequences for infractions, in writing, provide consistent direction to both staff and detainees.

b) Minimum Standards

a) Written Rules

Any future changes in Standards relating to discipline must comply with Section 3.1 of the County Jail Good Behavior Allowance Act the following [730 ILCS 130/3.1] (Ill. Rev. Stat. 1966 Supp. ch. 75, par. 32-1):

1) The jail administrators within 3 months after the effective date of this amendatory Act of 1967, the wardens who supervise institutions under this Act shall meet and promulgate agree upon uniform rules and regulations for behavior and conduct, penalties, and the awarding, denying, and revocation of good behavior allowance, in such institutions, and such rules and regulations shall be immediately promulgated and consistent with the provisions of this Act. Interim rules shall be provided by each warden consistent with the provision of this Act and shall be effective until the promulgation of uniform rules. All disciplinary action shall be consistent with the provisions of applicable law this Act. Committed persons shall be informed of rules of behavior and conduct, the penalties for violation thereof, and the disciplinary procedure by which such penalties may be imposed. Any rules, penalties and procedures shall be posted and made available to the committed persons.

2) Whenever a person is alleged to have violated a rule of behavior, a written report of the infraction shall be filed with the jail administrator warden within 72 hours of the occurrence of the infraction or the discovery of it, and such report shall be

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placed in the file of the institution or facility. No disciplinary proceeding shall be commenced more than 8 days after the infraction or the discovery of it, unless the committed person is unable or unavailable for any reason to participate in the disciplinary proceeding.

3) All or any of the good behavior allowance earned may be revoked by the jail administrator warden, unless he or she initiated the charge, and in that case by the disciplinary board, for violations of rules of behavior at any time prior to discharge from the institution, consistent with the provisions of this Act. 4) In disciplinary cases that may involve the loss of good behavior allowance or eligibility to earn good behavior allowance, the jail administrator warden shall establish disciplinary procedures consistent with the following principles:

A) The jail administrator warden may establish one or more disciplinary boards, made up of one or more persons, to hear and determine charges. Any person who initiates a disciplinary charge against a committed person shall not serve on the disciplinary board that will determine the disposition of the charge. In those cases in which the charge was initiated by the jail administrator warden, he or she shall establish a disciplinary board which will have the authority to impose any appropriate discipline.

B) Any committed person charged with a violation of rules of behavior shall be given notice of the charge, including a statement of the misconduct alleged and of the rules this conduct is alleged to violate, no less than 24 hours before the disciplinary hearing.

C) Any committed person charged with a violation of rules is entitled to a hearing on that charge, at which time he or she shall have an opportunity to appear before and address the jail administrator warden or disciplinary board deciding the charge.

D) The person or persons determining the disposition of the charge may also summon to testify any witnesses or other persons with relevant knowledge of the incident. The person charged may be permitted to question any person so summoned.

E) If the charge is sustained, the person charged is entitled to a written statement, within 14 days after the hearing, of the decision by the jail administrator warden or the disciplinary board which determined the disposition of the charge, and the statement shall include the basis for the decision and the disciplinary action, if any, to be imposed.

F) The jail administrator warden may impose the discipline recommended by the disciplinary board, or may reduce the discipline recommended; however, no committed person may be penalized more than 30 days of good behavior allowance for any one infraction.

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G)*** The jail administrator warden, in appropriate cases, may restore good behavior allowance that has been revoked, suspended, or reduced.

b)*** Distribution of Rules

1)*** Every detainee shall be provided with:

A)*** Rules and regulations governing behavior.

B)*** Conduct constituting a penalty offense.

C)*** Types of penalties, including duration, which may be imposed.

D)*** Who may Authority-authorized-to impose penalties.

E)*** Authorized methods of seeking information and making complaints.

F)*** All other matters necessary to enable the detainee him to understand both his or her rights and his obligations.

2)*** If a detainee is illiterate, information in subsection (b)(1) of this Section (b)*** shall be conveyed to him or her orally. Special assistance shall be given to non-English speaking detainees.

c)*** Complaints

1) Each detainee shall be permitted to make requests or complaints to the jail administration in written proper form, without censorship as to substance.

2) If not resolved at the local level, detainees may submit a complaint to the Jail and Detention Standards Unit. A copy of the local decision must be attached to the complaint.

d)*** Reporting of Violations

Jail officers who observe disciplinary violations shall submit a written report of the incident.

e)*** Investigations and Penalties

1) Decisions on investigations investigation and penalties for disciplinary violations shall be made in accordance with disciplinary rules of the county jails.

2) Supervisory staff shall conduct a review of the factors of an alleged minor rule violation within 24 hours of its occurrence. The supervisor may modify the discipline taken. Detainees segregated as a result of a minor rule infraction shall be informed by supervisory staff of the results of his or her review. The detainee may submit a grievance to a higher authority.

f)*** Segregation shall not exceed 72 hours for minor rule violations.

g)*** Violations, Classifications

Violations shall be classified as minor or major.

1)*** Minor violations of conduct rules are those for which the penalty does not exceed a reprimand or the loss of privileges for more than 72 hours.

2)*** Major violations are those for which the penalty may be more severe, such as loss of good time, transfer to segregation or isolation confinement, transfer to a higher classification of

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custody, any other change in status which may tend to affect adversely a detainee's time of release or discharge or the filing of additional charges subject to prosecution.

g)*** Prehearing Rules for Major Violations

Rules-governing-major-violations-shall-provide-for-specific-procedures as-follows:

1)*** Someone other than the reporting officer shall conduct an investigation into the facts of the alleged misconduct to determine if a violation occurred and if there is probable cause to believe the alleged offender committed the violation. If probable cause exists, a hearing date shall be scheduled no later than--48--hours--after-occurrence-of-the-alleged-misconduct. The hearing shall be convened in accordance with subsection (a)(2) of this Section (b)***.

B)*** The accused-if-he-wishes-shall-be-offered-assistance--from a--member--of--the--jail--staff--another-detainee--or--other authorized-person-to-prepare-for-the-hearing.

2)*** No penalty shall be imposed until after the hearing, except that the accused may be segregated from the rest of the population or transferred to a different tier or cell block if jail authorities feel that he constitutes a threat to other detainees, staff members, or to oneself or institutional order himself.

h)*** Hearing Rules for Major Violations

1) Rules governing major violations shall provide for a hearing on the alleged violation, and--the--hearing-shall-be-conducted-as follows:

A)*** The-hearing--shall--be--held--as--quickly--as--possible--in accordance-with-subsection-(b)***.

2)*** The hearing shall be before an impartial officer or committee which may include a public member.

3)*** The accused shall be allowed to present evidence or witnesses in his or her behalf. However, witnesses may be denied if their testimony would be irrelevant or cumulative or jeopardize the safety and security of the facility.

4)*** The accused shall be allowed to pose questions to the hearing officer or committee officer/committee to be asked of witnesses against the accused him.

5)*** Where the accused is illiterate, the issues are complex, and it is unlikely the offender will be able to collect and present the necessary evidence, the aid of a fellow detainee or member of the staff shall be made available to the accused him.

6)*** The hearing officer or committee shall render the decision in writing setting forth the findings, the conclusion conclusions, and any penalty imposed. If the decision finds the accused offender did not commit the alleged violation, all reference to the charges shall be removed from his or her file.

7)*** Findings of the hearing officer or committee shall be reviewed by the jail administrator or designee sheriff/warden, who may

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accept the decision or reduce the penalty imposed.

- 1) Disciplinary Findings and Penalty Imposition
1) In reaching a decision regarding the type of discipline to be imposed, the hearing officer or committee shall evaluate the violation and the violator and choose the disposition which is most likely to promote conformance to normal standards of conduct.

A) Restriction-of-Privileges

- 2) A restriction of privileges shall be carefully evaluated and assessed as it relates to the infraction and does not impose a secondary penalty on another person.

B) Segregation

- 3) Segregation shall be imposed resorted-to only after lesser penalties have been considered.

1) Assignment-to-segregation-shall-not-be-cause-to deprive-the-detainee-of-other-rights-such-as cleanliness-medical-care-selected-recreation correspondence-diet-or-commissary

A) Segregation of a minor under 17 must conform with statutes and minimum standards regarding separation from adults.

B) Minors under 16 who are in segregation must remain in the jail section designated for juveniles.

C) Restricted-Diets-and-Corporal-Punishment

- 4) Restricted diets and corporal punishment are prohibited.

B) Forfeiture-of-Good-Time

- 5) Forfeiture of good time shall be assessed in conformity with Section 3.1 of the County Jail Misdemeanor Good Behavior Allowance Act [730 ILCS 130/3.1] (11-Rev-Stat-1986-Supp-7-ch-75-par-32-1).

1) Use of Restraints

Restraint devices, such as handcuffs, waist chains, leg irons, leg braces, straitjackets, etc., shall not be applied as a penalty.

1) Such restraints may be used on a detainee in-mate:

A) As a precaution against escape during transportation.

B) On medical grounds by direction of the physician.

C) By order of the jail administrator sheriff/chieft-jailer in order to prevent a detainee from injuring himself-or others or to prevent a detainee from damaging or destroying property.

2) A written report shall be placed on file whenever restraint devices are applied in accordance with this subsection (1)(1) (11-Rev-Stat-1986-Supp-7-ch-75-par-32-1). Additionally, each individual case shall be reviewed at least once every 24 hours to determine the necessity for such restraints.

3) Psychotropic medicines shall not be used as a disciplinary device or control measure.

4) Use of Force by Staff

Limitations on the use of force does not prohibit in-no-way

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prohibits self defense, prevention of injury to another staff member or detainee, prevention of property damage, or efforts to subdue a recalcitrant or to thwart or prevent escape or attempt to escape. The least force necessary under the circumstances shall be employed.

1) Prosecution

Where an inmate is alleged to have committed a crime covered-by statutory-law, the facility shall document and refer the case to appropriate law enforcement officials for possible prosecution.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 701.170 Employment of Detainees

A) Introduction

Detainees-idleness-and-boredom-are-major-problems-in-jail administration-idleness-contributes-to-disciplinary-problems-and-to the-deterioration-of-the-detainee's-attitude:

B) Minimum Standards

1) Unsentenced-Detainees

Persons-awaiting-trial-and-these-not-sentenced-shall-not-be required-to-work-except-to-keep-their-living-area-clean:

2) Sentenced-Detainees

Assigning detainees sentenced-persons to perform one or more of a variety of jobs is acceptable, especially within the areas of housekeeping and maintenance, except that such assignment shall not:

A) Violate any personal right or jail standard;

B) Be hazardous or potentially dangerous to a detainee's life, and/or limb, health, or state of well-being;

C) Conflict with any law or ordinance, with standards of any regulatory agency, or with terms and agreements in a recognized trade union contract; or

D) Endanger jail security or violate security classification or assignment policies regulations.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 701.180 Mail Procedures

A) Introduction

1) Frequent-communication-with-family-relatives-friends-and others-concerned-with-the-detainee-is-to-be-encouraged-it-is essential-to-morale-maintenance-of-family-ties-legal-rights and-an-eventual-healthy-reentry-into-the-community:

2) Procedures-for-receiving-and-sending-mail-must-protect-the detainee's-personal-rights-and-provide-for-reasonable-security practices-consistent-with-the-function-of-a-jail:

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b) Minimum Standards

a) Scope

1) A detainee may shall be allowed to correspond with anyone in the free community provided the so long as his correspondence does not violate any state or federal law, except:

A) A detainee shall not be allowed to correspond with the victims of his current or previous offense(s), unless they have given their consent in writing.

A) A detainee may shall be permitted to correspond with an individual a member of his immediate family or spouse who is incarcerated in another correctional or detention facility, provided joint prior approval of both chief administrative officers is obtained. Permission shall be based on safety and security concerns.

B) A detainee may not correspond with jail employees, contracted staff, or volunteers unless authorized in advance by the jail administrator.

2) All mail must clearly identify the sender and include any identifying numbers.

++ Failure to express disapproval within 15 days will be considered as approval.

++ The disapproval shall state the reason therefore.

E) Caution shall be taken to protect the detainee's rights in accordance with court decisions regarding correspondence.

b) Incoming Mail

1) Detainees may receive incoming mail subject to the procedures outlined herein shall be permitted to receive an unlimited number of letters.

2) All incoming, non-privileged mail incoming mail shall not be ready, censored or reproduced, but shall be opened and inspected examined for contraband prior to delivery or funds.

3) Cashier's checks, money orders, or certified checks or cash shall be recorded in the detainee's personal property record or trust fund account, indicating the sender, amount, and date. Personal checks and cash shall be returned to the sender, along with a notification that funds may not be received in that form.

4) Incoming mail letters containing contraband shall be held for further inspection and disposition by the jail administrator sheriff or chief administrator.

A) Contraband received shall be handed with care and labeled, and a log shall be maintained indicating the date of receipt, the name and address of the sender, the name of the detainee to whom it is addressed, and the names names and date of the persons persons handling same.

B) The appropriate law enforcement agencies shall be notified and the items shall be maintained safeguarded in the event they are to be used as evidence in criminal proceedings or disciplinary action.

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5) All incoming mail shall be delivered promptly distributed to the detainee within 24 hours of receipt, excluding weekends and holidays. A discharged or transferred detainee's first-class mail shall be forwarded to the detainee's unopened if the forwarding address, if its known. If no forwarding address is available, mail shall be returned unopened to the sender.

6) A detainee shall not be allowed to open, read, or deliver another detainee's mail without his or her permission.

7) Detainees may receive books and periodicals subject to inspection and approval by jail personnel. Packages may be received only if approved by administrative policy and remain shall be subject to inspection before delivery being delivered to the detainee.

8) The jail administrator sheriff or his or her designee may shall retain the right to spot check and read incoming non-privileged mail when there is reason to believe that jail security may be impaired or mail procedures are being abused.

9) When a detainee is prohibited from receiving a letter or portions thereof, the detainee and the sender shall be notified in writing of the decision.

c) Outgoing Mail

1) Each detainee shall be permitted to send, at personal expense, an unlimited number of letters each week.

A) Postage shall be provided to indigent detainees for at least one letter per week.

B) Postage supplied to detainees is not transferable.

E) Appropriate stationery, envelopes, and a writing implement shall be supplied, but detainees may use such items as they themselves provide.

2) Detainees may not send packages by mail, unless granted permission to do so by the sheriff or jail administrator. The detainee shall provide for the postage cost for mailing a package.

B) A program permitting residents to send special messages or greeting cards for anniversaries, birthdays or special holidays such as Christmas, Easter, and Mother's Day shall be implemented, providing the detainee has personal funds to pay the total cost of such communications.

3) Outgoing mail shall be clearly marked with the sender's name and identification number. Mail not clearly marked in this manner shall be returned to the sender if the sender's identity is known, and if not, the mail shall be destroyed.

4) Outgoing mail shall be collected Monday through Friday and every effort shall be made to ensure that outgoing mail is delivered to the U.S. Postal Service promptly on the same day.

5) Outgoing non-privileged mail may be inspected and read. White outgoing mail shall not normally be ready, censored or reproduced the jail shall retain the right to spot check non-privileged

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outgoing--mail--by--the--sheriff--or--his--designee--to--do--so--when--it--is believed--that--jail--security--may--be--impaired. Detainees Except for--privileged--mail--detainees shall submit all outgoing non-privileged mail in unsealed envelopes. Outgoing non-privileged mail received sealed shall be returned to the sender if the sender is identifiable. If the sender cannot be identified, the mail shall be destroyed. Outgoing non-privileged mail may be reproduced or withheld from delivery if it presents a threat to security or safety, including the following:

- A) The letter contains threats of physical harm against any person or threats of criminal activity or threats of blackmail or extortion;
 - B) The letter contains information regarding sending contraband into or out of the facility, plans to escape, or plans to engage in criminal activity;
 - C) The letter is in code and its contents cannot be understood by jail staff;
 - D) The letter violates any jail rules or contains plans to engage in activities in violation of jail rules;
 - E) The letter solicits gifts, goods, or money from other than family members;
 - F) The letter contains information which if communicated might result in physical harm to another;
 - G) The letter contains unauthorized correspondence with another offender; or
 - H) The letter or contents thereof constitute a violation of State or federal law.
- 6) The detainee shall be notified in writing of any outgoing mail withheld.

d)4) Certified or Registered Mail

Each jail shall establish procedures for processing certified or registered mail.

- A) Determination of the appropriateness of such outgoing mail shall be the responsibility of the detainee.
- B) To send certified or registered mail, the detainee must have sufficient funds in his personal property or trust fund account and must attach a signed withdrawal voucher to the envelope for the application of proper postage and deduction of postage charges and other costs from his trust fund account. Blank withdrawal vouchers shall be provided by the jail.

e)5) Outgoing Privileged Mail-Outgoing

Outgoing letters from detainees to persons or organizations listed below which are clearly marked as "privileged" are considered privileged communications and may be sealed by the detainee prior to submission for mailing. Such letters shall not be opened by the jail staff before mailing and shall be dispatched promptly.

- 1)A) Federal, Illinois, or local Illinois legislator Elected or

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appointed--federal--or--state--officials--including--any--U.S.--Senator or--Representative; Judges of any court or the Illinois Court of Claims any--federal--judge or clerks the--Clerk of Courts and Federal--Court; the Attorney General of the United States and Illinois; the Director of the Federal Bureau of Prisons; and the Governor of the State of Illinois;--any--Illinois--Circuit--Appellate--or--Supreme--Court--judge--the--Illinois--Attorney--General, and--any--member--of--the--Illinois--General--Assembly.

- 2)B) The Director, Deputy Directors, or Assistant Deputy Directors of the Illinois Department of Corrections; the--Deputy--Director--of the--Bureau--of--Inspections--and--Audits--of--the--Illinois--Department of--Corrections; the Chief of the Jail and Detention Standards and Services Unit of the Illinois Department of Corrections; and the Chairman;--Executive--Secretary--and members of the Illinois Prisoner Review Board; and county sheriffs.

- 3) Chief Executive Officers of the Federal Bureau of Investigation, the Drug Enforcement Administration, the Criminal Division of the Department of Justice, and the United States Customs Service.
- 4) The John Howard Association.

- 5)6) Registered attorneys Any attorney currently licensed to practice law.

- 6)B) Any organization which provides direct legal representation to detainees, but not including organizations which provide referrals to attorneys, such as bar associations. All correspondence addressed to legal aid organizations and any other organization whose official declared purpose is to provide legal services for detainees--these letters may be addressed either to paraprofessional personnel--at--the--organization--or--to--the organization's officer.

f)6) Incoming Privileged Mail-Incoming

Incoming privileged mail means mail from sources identified in subsection (e) of this Section except for clerks of courts. Incoming privileged mail which is clearly marked as "privileged" from persons or organizations identified in the preceding standard may be opened only for the purpose of verifying the recipient addressee and the sender address and to ascertain that nothing other than privileged mail legal and/or official matter is enclosed. Privileged mail shall be opened Mail opening must be in the presence of the detainee.

g)7) Disciplinary Denial

No disciplinary restrictions shall be placed on a detainee's mail privileges. Detainees shall not be denied mail rights for disciplinary purposes--however--a serious violation of mail regulations may result in close scrutiny of mail.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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- a) Detainees may place at least one telephone call each week. Additional calls may be permitted by the jail administrator.
- b) Detainees may be required to bear the expense of any telephone calls they make or to place only collect calls. at introduction
periodic use of the telephone to talk with family, friends, and relatives aids in creating and maintaining good morale within the jail.
- b) Minimum Standards
1) Right-to-Use
Telephone--communication--is--a--right--when--a--detainee--is--first admitted to the jail.
- 2) Telephone Program
A scheduled program to permit each detainee to place at least one telephone call each week shall be established. Additional calls may be permitted at local administrative discretion. The expense for the making of a telephone call, if any, shall be borne by the detainee.
- c) A minimum of five minutes shall be allotted for each phone call.
- d) Telephone calls may shall not be monitored unless prior special arrangements have been made to make or receive confidential telephone calls to or from the detainee's attorney. A notice stating telephone calls may be monitored or recorded shall be posted by each telephone from which detainees may place calls.
- 3) Violation of Telephone Rules
Rules Violation of jail rules governing the use of the telephone program may shall be established. Violation of telephone rules may result in suspension of the detainee's use of the telephone telephone usage for a designated period of time.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 701.200 Visiting

- a) Introduction
1) Visits provide a direct and valuable means of communication between the detainee and his family and friends. Detainees look forward to receiving visitors and visits should be encouraged. They bolster morale and may prove valuable to jail programs designed to aid a detainee's social readjustment.
- 2) Jail personnel should not become complacent regarding visitor contact can provide the spark for an outburst of detainee misbehavior for example news of illness in the family children's school problems financial problems or real or imagined infidelity.
- 3) Jail administrators must give close attention to rules which control visiting. Severely restrictive regulations have been overturned by court decisions, however security is threatened

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when procedures are not controlled.

- b) Minimum Standards
a) Visit Regulations
The jail administrator shall prescribe regulations relative to visits with detainees.
1) Regulations shall provide a schedule identifying no fewer than two visiting days each week, one of which must be during the weekend.
- 2) At least one visit per week per detainee shall be allowed, except when an individual detainee has been assessed a disciplinary penalty for a visiting regulation infraction.
- 3) Visits shall not be less than 15 minutes. Extended visits may be granted by the jail administrator for visitors who travel great distances.
- 4) Two or more persons permitted to visit at the same time shall count as a single visit.
- 5) There shall be no age restriction on visitors when a child is accompanied by a parent or guardian.
- b) Visits by Attorneys, Probation Officers, Pretrial Service Officers, and Clergy Attorneys
1) Attorneys, probation officers, pretrial service officers, and clergy from recognized religious groups shall be permitted to visit detainees at reasonable hours other than during regularly scheduled visiting hours or periods and such visits shall not count as an allotted visit.
- 2) An area for interview between a detainee and his or her attorney, probation officer, or pretrial service officer, or clergyman shall be provided and arranged so as to ensure privacy.
- c) Security Precautions
1) Visits can be a grave security risk, however, under proper supervision the risk can be reduced. All visitors shall be required to sign the visitor register or visitor card and provide identification before being permitted to visit a detainee. Jail staff may interview or request background information from potential visitors to determine whether they pose a threat to safety or security of the jail.
- 4) Visitor Maximum Security Classification
Detainees requiring maximum security precautions must be given special attention during visits.
- 5) Non-Security Area Visits
In jails where visiting is conducted in an open room or area because of previous jail construction limitations constant visual supervision by jail staff must be exercised.
- 2) Detainees must be thoroughly searched before and after each visit, unless the visit is conducted via such means as video conferencing.
- 3) Visitors and items brought onto jail property are subject to search and a search notice sign must be conspicuously posted.

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- 4) In jails where visiting is conducted in an open room or area, constant visual supervision by jail staff must be exercised.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 701.210 Social Service Programs

a) Introduction

- 1) Social services for detainees have generally been overlooked. Modern correctional thought emphasizes that all jails, regardless of size, must provide necessary treatment services in order to fulfill the full spectrum of obligations. Treatment services are used in a broader sense than the aggregate of jail experiences rather than the traditional clinical concept of medical or psychological therapy.

- 2) Efforts must be intensified to reverse criminal trends through planned treatment programs in county jails.

- 3) The philosophy of a detention facility must emphasize that the resocialization of offenders and prevention of further antisocial behavior are essential factors in controlling crime. The protection of society, humane care of persons in detention, and services required to maintain the physical, social, and emotional health of detainees must be firmly established to implement this philosophy.

b) Minimum Standards

Jails are encouraged to provide Social Service Programs and enlist volunteers including volunteer workers and groups such as Alcoholics Anonymous, Gamblers Anonymous, religious volunteers, energy, and volunteer counselors or groups offering needed services shall be invited to participate in the jail programs.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 701.220 Education

a) Introduction

- 1) Education programs, both academic and vocational, not only reduce idleness but assist in meeting basic needs of detainees.

- 2) Educational programs can be developed with the aid of community resources and interested citizens. Many detainees welcome the opportunity to sharpen their academic skills.

- 3) Local school authorities may provide teachers and information regarding financial aids available through governmental agencies. Jails are encouraged to provide relevant educational programs which may include Educational Programs that may be developed are:

- 1) Adult Basic Education Courses aimed at reducing the level of illiteracy by increasing individual reading vocabulary,

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encouraging writing skill, explaining basic arithmetic, and providing an opportunity for detainees to learn more about community business and social activities which affect their lives.

- 2) Elementary and High School Courses that are specific or general. Depending upon the aim of the detainee, these courses may serve to provide knowledge related to a definite interest or be suitable for a continued educational program in the community after release.

- 3) General Education Development (G.E.D.) courses to prepare qualified detainees for the G.E.D. test so they can earn a high school equivalency diploma.

- 4) Correspondence Courses for both high school students and graduates can be arranged through local school districts, state colleges, and universities.

- 5) Social Education taught by instructors from local schools and colleges, volunteers from community agencies, and university students to instruct detainees in understanding self-concept, how to modify existing life style habits, and how to understand and relate to others. Detainees, individually or in groups, can be introduced to acceptable methods of finding and getting a job. They may also be introduced to vocational requirements such as proper work habits, job performance, personal relationships, and keeping a job. Jail personnel can assist detainees in obtaining birth certificates and social security numbers, to find suitable employment after release, and to utilize the services of community agencies such as local unions, employment offices, and private agencies or industries.

b) Minimum Standards

- 1) Educational Materials

- a) Educational information and academic materials shall be permitted and made accessible to detainees.

- 2) Vocational Materials

- a) Vocational information and materials shall be permitted and made accessible to detainees, provided their presence does not jeopardize security.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 701.230 Library

a) Introduction

- 1) Federal and state court decisions have underscored the detainees right of access to any reading material except pornography as defined by the courts or reading matter which might pose an imminent threat to jail security.
- 2) The right to read is extremely important for the detainee to

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develop greater self-awareness, a better understanding of the social and governmental system, and to gain information usable for vocational purposes. The individual in confinement must have every opportunity for access to printed material pertinent to his personal needs. Just as important is the opportunity to have relief from boredom and a chance to reduce aggressiveness through recreational reading and related library services.

b) Minimum Standards

1) Library Services

a) Library services shall be made available to all detainees. Library materials shall include up-to-date informational, recreational, legal, and educational resources appropriate to individual detainees.

1) A) Detainee access to current Illinois Compiled Revised Statutes shall be provided.

2) B) Detainee access to current jail rules and regulations shall be provided.

2) Written Policy

b) There shall be a written policy covering the library's day-to-day activities and schedule.

3) Library Personnel

c) Where the level of need does not require full-time library personnel, whether employed by a public library system or on the staff of the jail, there shall be a jail staff person whose job assignment shall include responsibility for on-going development and maintenance of the library and liaison with a public library.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 701.240 Religious Services

Minimum Standards

a) Religious Services Detainees shall be afforded an opportunity to participate in religious services and receive religious counseling.

b) Compulsory Participation Detainees shall not be required to attend or participate in religious services or discussions.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 701.250 Commissary

a) Introduction

A commissary provides a valuable morale and control factor in a jail operation. Items can be made available to detainees that are otherwise denied because the jail cannot supply them. The commissary provides a broader range of selection in several lines of commodities and provides a source of grooming and personal hygiene items.

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b) Minimum Standards

1) Establishment of a Commissary

a) Each jail shall establish and maintain a commissary system to provide detainees with approved items that are not supplied by the jail.

2) Management of a Commissary

b) No member of the staff shall gain personal profit, directly or indirectly, as a result of the commissary system.

3) Commissary Prices

c) Prices charged detainees shall not exceed those for the same articles sold in local community stores nor shall the prices charged for postal supplies exceed those for the same articles sold at local post offices.

4) Schedule

d) Commissary shall be provided on a regularly scheduled basis and not less than once weekly.

5) Purchases

e) Commissary purchases must be reflected by a debit entry on the detainee's cash account. Entry must be initiated by the detainee or a receipt must be issued.

6) Profits

f) All profits from the commissary shall be used for detainee welfare, and such monies shall be subject to audit.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 701.260 Recreation and Leisure Time

a) Introduction

1) Properly organized recreation and leisure time programs can do much to relieve idleness and boredom and provide constructive activities. A regular recreational activities schedule which permits strenuous exercise helps to lower tensions and reduce disciplinary physical and mental health problems.

2) These activities should be scheduled in the day rooms, exercise rooms or yards, multipurpose rooms, and other available space to provide equal opportunities for all detainees to participate in programs of their choice and abilities. Athletic programs, radio, television, motion pictures, chess, and craft cards, dominoes, puzzles of all types, checkers, and similar diversions should be planned, equipment obtained, and scheduled. Tools and material which can be used for unauthorized purposes must be carefully controlled.

b) Minimum Standards

a) All construction designs submitted for approval after publication of these standards must include an exercise room or yard of sufficient area to allow strenuous physical exercise. A day room may be designated as an exercise room provided the minimum standards for

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exercise areas are met.

- b) The exercise area shall be appropriately equipped and utilized within the limitations of security requirements.
- c) Detainees shall be allowed in the exercise area for no less than one hour per day unless the sheriff or jail administrator determines that participation in such activity by a particular detainee or group of them is harmful or dangerous to the security or and/or morale of the facility.
- d) Recreation and leisure time activities should be planned and scheduled.
- e) Tools and material which can be used for unauthorized purposes must be carefully controlled.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 701.270 Juvenile Detention

a) Statutory Provisions Introduction

Sections 5-3 and 5-7 of the Juvenile Court Act of 1987 [705 ILCS 405/5-3 and 5-7] (1117-Rev--Stat--1990-Supp--ch--37--pars--805-3-and 805-7) state:

- 1) "Delinquent Minor" means any minor who prior to his or her 17th birthday has violated or attempted to violate, regardless of where the act occurred, any federal or state law or municipal ordinance.
- 2) "Detention" means the temporary care of a minor alleged or adjudicated as a person described in subsection (a)(1) of this section who requires secure custody for his or her own or the community's protection in a facility designed to physically restrict his or her movements, pending disposition by the court for placement or commitment. Design features which physically restrict movement include, but are not limited to, locked rooms and the secure handcuffing of a minor to a rail or other stationary object.
- 3) "Juvenile Detention Home" means a public facility with specially trained staff that conforms to the county juvenile detention standards (20 Ill. Adm. Code 702).
- 4) Except as otherwise provided in subsection (a)(5) through (8) of this Section, no minor shall be detained in a county jail or municipal lockup for more than six hours.
 - A) The period of detention is deemed to have begun once the minor has been placed in a locked room or cell or handcuffed to a stationary object in a building housing a county jail or municipal lockup. Time spent transporting a minor is not considered to be time in detention or secure custody.
 - B) Any minor so confined shall be under periodic supervision and shall not be permitted to come into or remain in contact

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- with adults in custody in the building.
- C) Upon placement in secure custody in a jail or lockup, the minor shall be informed of the purpose of the detention, the time it is expected to last, and the fact that it cannot exceed six hours.
- D) A log shall be kept that shows the offense which is the basis for the detention, the reasons and circumstances for the decision to detain, and the length of time the minor was in detention.
- E) Violation of the 6-hour time limit on detention in a county jail or municipal lockup shall not, in and of itself, render inadmissible evidence obtained as a result of the violation of this 6-hour time limit.
- F) No minor under 16 years of age may be confined in a jail or place ordinarily used for the confinement of prisoners in a police station. Minors under 17 years of age shall be kept separate from confined adults and may not at any time be kept in the same cell, room or yard with adults confined pursuant to criminal law.
- 5) If a minor age 12 or older is confined in a county jail in a county with a population below 3,000,000 inhabitants, then the minor's confinement shall be implemented in such a manner that there will be no contact by sight, sound or otherwise between the minor and adult prisoners. Minors age 12 or older must be kept separate from confined adults and may not at any time be kept in the same cell, room, or yard with confined adults. This subsection (a)(5) shall only apply to confinement pending an adjudicatory hearing and shall not exceed 36 hours, excluding Saturdays, Sundays and court designated holidays. To accept or hold minors during this time period, county jails shall comply with all monitoring standards for juvenile detention homes promulgated by the Department of Corrections and training standards approved by the Illinois Law Enforcement Training Standards Board.
- 6) To accept or hold minors, 12 years of age or older, after the time period prescribed in subsection (a)(5) of this Section but not exceeding 7 days including Saturdays, Sundays and holidays pending an adjudicatory hearing, county jails shall comply with all temporary detention standards promulgated by the Department of Corrections and training standards approved by the Illinois Law Enforcement Training Standards Board.
- 7) To accept or hold minors 12 years or older after the time period prescribed in subsections (a)(5) or (6) of this Section, county jails shall comply with all programmatic and training standards for juvenile detention homes promulgated by the Department of Corrections.
- 8) When a minor who is at least 15 years of age is prosecuted under the Criminal Code of 1961, the court may enter an order directing

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that the juvenile be confined in the county jail. However, any juvenile confined in the county jail under this provision shall be separated from adults who are confined in the county jail in such a manner that there will be no contact by sight, sound, or otherwise between the juvenile and adult prisoners. This subsection (a)(8) shall not apply in a county having more than 3 million inhabitants.

- b) Minimum Standards for Detention of Youth--Adjudicated--as--Beingquent Minors

These standards apply to any juvenile remanded to the custody of the Sheriff by legal authority after receipt of the written authorization of a probation officer or an officer of the court. The following standards for juvenile detention of delinquent minors--provide--added requirements--restrictions--or--emphasis.

- 1) All standards in the preceding Sections apply equally to minors except where prohibited by law or by the standards in this Part or where contrary to the added requirements or restrictions of the following Sections.

- 2) Minors shall be kept separate by sight and sound from confined adults. There shall be no contact between confined adults and juveniles in the residential areas such as cells and detention rooms. Non-residential areas such as entrances, corridors, elevators, booking areas, food service areas, and program areas may achieve separation through time-phasing of the non-residential areas. The time-phasing shall be implemented so as to eliminate all but inadvertent or accidental sight or sound contact between juveniles and confined adults.

3) Notification of Detention

- A parent, legal guardian, or person with whom the minor resides shall be notified of the minor's detention if the law enforcement officer or court officer has been unable to do so.

4) Records

- Records of all minors under 17 years of age must be maintained separate from the records of adult arrests. Names of juveniles shall not be recorded in the same ledgers, jail registers, monthly population reports, or other records that are subject to public review.

- 5) Records of minors shall not be open to public inspection nor shall or their contents be disclosed to the public, except by order of the court or as otherwise outlined in Section 1-8 of the Juvenile Court Act of 1987 [705 ILCS 405/1-8]. When the institution of criminal proceedings has been permitted or the person has been convicted of a crime and is the subject of pre-sentence investigation or proceedings on an application for Probation.

6) Supervision

- Minors detainees shall, under the following conditions, be provided with supervision by a person of the same sex:

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- A) During the performance of when following established procedures which require physical contact or examination such as body searches.

- B) During periods of personal hygiene activities and care such as showers, toileting, and related activities.

- 7) Subsection (b)(6) of this Section this subsection does not prohibit the use of necessary force by a staff member of a sex other than that of a detainee.

- 8) A periodic visual check of juveniles confined shall be made by personal observation, not including observation by a monitoring device. Periodic is defined to be a minimum of at least once every 15 minutes for the first six hours of detention and at least once every 30 minutes thereafter. Any minor subjected to segregation or isolation shall be visually checked at least every 15 minutes.

- 9) Visual checks shall be recorded by a mechanical device or logged in ink indicating:

- A) Time of check;

- B) Signature of responsible person; and

- C) Any relevant remarks.

- 10) Minors shall be assigned single occupancy cells or detention rooms.

- 4) Cells or Detention Room Occupancy

- Cells or detention rooms must include access to:

- A) Toilet facilities;

- B) A washbowl; and

- C) Drinking water; in the form of drinking cups or a drinking fountain.

- 5) Meals

- 11) Detainees shall be provided with meals in accordance with Section 701.110 when they are detained during the facility's normal meal periods.

- 6) Child Abuse

- 12) Any evidence of child abuse shall be reported to the Illinois Department of Children and Family Services in accordance with 89 Ill. Adm. Code 300.

- 13) Staff who will supervise youth pending an adjudicatory hearing shall be trained in the methods and techniques of juvenile care per standards approved by the Illinois Law Enforcement Training Standards Board.

- 14) To accept and hold minors after 36 hours, excluding Saturdays, Sundays, and court designated holidays, but not to exceed seven days including Saturdays, Sundays, and court designated holidays, the jail shall comply with the additional temporary standards for detention pending an adjudicatory hearing outlined in Section 701.280.

- 15) To accept and hold minors beyond seven days including Saturdays, Sundays, and court designated holidays, the jail shall comply

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with all programmatic and training standards outlined in 20 Ill. Adm. Code 702.

- 16) To accept and hold minors under 17 years of age who have been prosecuted under the Criminal Code of 1961 and confined to a county jail as directed by court order, the jail shall comply with the additional standards outlined in Section 701.290.

- e) Minimum Standards for Detention of Youths Prosecuted Under the Criminal Code of 1961
The standards in the preceding Sections of this Part apply equally to minors under 17 years of age who are prosecuted under the Criminal Code of 1961. The following standards provide additional requirements, restrictions or emphasis on detention standards for minors confined to a county jail as directed by court order.

1) Retention Admissions

Only those youth who are at least 15 years of age, who are being prosecuted under the Criminal Code of 1961 and who are being confined in a county jail under court order may be held in excess of six hours.

- A) When a minor is delivered to the jail, a probation officer or such other public official designated by the court shall immediately investigate the circumstances of the minor and the facts surrounding the minor being taken into custody. The jail officer accepting persons for confinement must determine that each is being confined under proper legal authority.

- B) A parent, legal guardian or person with whom the minor resides shall be notified of the location of confinement if the law enforcement officer or court officer has been unable to do so.

2) Records

- A) Records of all minors under 17 years of age must be maintained separate from the records of adult arrests. Names of juveniles shall not be recorded in the same ledger as jail registers, monthly population reports or other records that are subject to public review.

- B) Records shall not be open to public inspection or their contents disclosed to the public except by order of the court or when the institution of criminal proceedings has been permitted or the person has been convicted of a crime and is the subject of pre-sentence investigation or proceedings on an application for probation.

3) Confinement

Minors under 17 may be confined in cells or rooms in a jail or place ordinarily used for confinement of prisoners at a county jail, but these cells or rooms for the minors must be separate and distinct from the cells or rooms in which adults are confined. This does not preclude the very brief use of entrance corridors, elevators and booking areas prior to actual

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confinement-

- A) Separate and distinct shall mean no visual and/or auditory contact.
B) The same jail facilities may be used, but not simultaneously with adults.

4) Supervision

Staff providing supervision for minors under 17 shall receive training in the methods and techniques of juvenile care.

- A) Supervision of minors under 17 shall be maintained by visual contact with each youth no less than once every 30 minutes.
B) A shift log, in ink, shall be maintained as a record of incidents and activities, including supervisory checks occurring on the shift.

- C) Supervision shall be provided by a person of the same sex under the following conditions:

- 1) When procedures which require physical contact or examination such as body searches are made.
2) During periods of personal hygiene activities and care such as showers, toileting and related activities.
B) This standard does not prohibit the use of necessary force by a staff member of a sex other than that of a detainee.

5) Housing and Day Rooms

- A) To ensure reasonable security, sanitation and personal comfort, minors shall be assigned single occupancy cells or detention rooms.

- B) At least 50 square feet of floor space should be provided in each cell.

- C) At least 64 square feet of floor space should be provided for each detention room.

- B) A day room area should be provided with a minimum of 35 square feet per detained minor for each cellblock or detention room cluster.

- B) Each sleeping area shall be equipped with a rigidly constructed metal bed securely fastened to the wall or floor or a concrete sleeping surface (see Section 701.00(b)(3)(A)). A toilet, washbasin with hot and cold running water, a suitable flame retardant mattress, mattress covering and bed covers suited to individual needs, and illumination sufficient to guarantee distinct visual supervision and a comfortable reading level.

6) Personal Hygiene

Clothing changes, showers, shaving and other personal hygiene activities shall conform at a minimum with those standards pertaining to adult detainees.

7) Food Service

- A) Food preparation, menu, dietary food service and meal schedules shall conform to the needs of growing adolescents. A minimum of 2,500 to 3,000 calories per day shall be

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Provided:

B) Food-service-dining-areas-shall-not-be-shared-simultaneously with-admits.

8) Activities

Each-youth-shall-be-offered-a-minimum-of-eight-hours-daily-of dayroom-and-recreation-activity-except-when-the-youth's-behavior endangers-required-security---jeopardizes---the---safety---and well-being---of---staff-and-other-detained-youth-or-is-a-threat-to himself-or-to-protect-property.

A) Appropriate-reading-materials---table-games-in-sufficient quantities-and-radio-and/or-television-shall-be-provided.

B) Recreation-of-an-energetic-nature-shall-be-offered-and-when appropriate-facilities-exist-outdoor-activities-shall-be scheduled.

9) Education

A) A-regular-schedule-of-academic-instruction-and-related educational-services-appropriate-to-the-needs-of-each individual-shall-be-provided-for-those-youth-detained-beyond 36-hours-with-arrangements-made-through-the-appropriate local-school-district.

B) Goodeducational-classes-may-be-scheduled.

10) Psychiatric-and-Social-Services

Access-to-psychiatric-psychological-case-work-and-counseling services-shall-be-provided-as-needed-in-individual-cases.

11) Visiting

A) A-liberal-visiting-schedule-shall-be-established-identifying no-fewer-than-two-visiting-days-each-week-one-of-which-must be-during-the-evening-hours-and-one-during-the-weekend-and including-all-holidays.

B) Visits-from-attorneys-clergy-social-workers-probation officers-or-other-persons-professionally-associated-with-a youth's-case-shall-be-permitted-at-reasonable-non-scheduled hours-these-visits-shall-not-count-against-any-limitation which-may-be-placed-on-the-number-of-visits-allowed.

12) Child-Abuse

Any-suspected-evidence-of-child-abuse-such-as-is-defined-in Section-112A-3(1)-et-seq-of-the-Code-of-Criminal-Procedures-of 1963-(112A-Rev-Stat-1989-chr-38-par-112A-3(1)-et-seq)-shall be-reported-to-the-Illinois-Department-of-Children-and-Family Services.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 701.280 Temporary Detention Standards

In addition to the standards in Section 701.270, the standards in this Section apply to any juvenile remanded to the custody of the sheriff who is being

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detained in excess of 36 hours for up to seven days.

a) Each youth shall be offered a minimum of two hours of dayroom activity and at least one hour of physical activity daily, except when the youth's behavior endangers required security; jeopardizes the safety and well-being of staff and other detained youth; is a threat to oneself; or may cause damage to property.

1) Appropriate reading materials, table games in sufficient quantities, and radio or television or both shall be provided.

2) Where appropriate facilities exist, outdoor activities shall be scheduled.

3) This standard cannot be met by placing the youth in a room with a radio or television; it requires opportunities for appropriate social interaction by youth.

b) Academic instruction shall be provided for a minimum of four hours per day, excluding weekends and holidays. The academic instruction shall be appropriate to the educational needs of each individual youth, but must be provided in person by a trained teacher or tutor. Arrangements for the instruction may be made through the local or regional school district.

c) Access to medical, psychiatric, psychological, casework, and counseling services shall be provided as needed in individual cases.

d) A daily visiting schedule shall be established which includes evening hours. At least one visit a day shall be afforded.

e) Visits from attorneys, clergy, social workers, probation officers or other persons professionally associated with a youth's case shall be permitted at reasonable non-scheduled hours. These visits shall not count against any limitation which may be placed on the number of visits allowed.

f) At least one telephone call a day may be placed or received.

g) Every youth shall be provided with a copy of the written rules and regulations governing behavior which shall include:

1) A description of conduct constituting a penalty offense;

2) The types and durations of penalties which may be imposed;

3) The method or conditions under which penalties may be imposed and persons so authorized to impose discipline; and

4) The process for seeking information and making complaints, including time frames for resolution of complaints and appeal procedures.

h) Minor rule violations shall be reviewed by the jail administrator within 24 hours after the occurrence of the offense; major rule violations shall be reviewed by the jail administrator within 36 hours after the occurrence of the offense.

(Source: Added at 20 Ill. Reg. _____, effective _____)

Section 701.290 Standards for Detention of Youths Prosecuted Under the Criminal Code of 1961

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In addition to the standards in Section 701.270, the standards in this Section apply to any juvenile remanded to the custody of the sheriff who is being prosecuted under the Criminal Code of 1961.

- a) When a minor is delivered to the jail, a probation officer or such other public official designated by the court shall immediately investigate the circumstances and the facts surrounding the minor's being taken into custody. The jail officer accepting persons for confinement must determine that each is being confined under proper legal authority.
- b) A dayroom area with a minimum of 35 square feet per cell or detention room shall be provided for each cellblock or detention room cluster.
- c) Each youth shall be offered a minimum of eight hours daily of dayroom and recreation activity, except when the youth's behavior: endangers required security; jeopardizes the safety and well-being of staff and other detained youth; is a threat to oneself; or may cause damage to property.

1) Appropriate reading materials, table games in sufficient quantities, and radio and television or both shall be provided.

2) Recreation of an energetic nature shall be offered. Where appropriate facilities exist, outdoor activities shall be scheduled.

d) A regular schedule of academic instruction and related educational services appropriate to the needs of each individual shall be provided for those youth detained beyond 36 hours with arrangements made through the appropriate local school district. Coeducational classes may be scheduled.

e) Access to psychiatric, psychological, casework, and counseling services shall be provided as needed in individual cases.

f) A liberal visiting schedule shall be established identifying no fewer than two visiting days each week, one of which must be during the evening hours and one during the weekend. Visiting shall be permitted on all holidays.

g) Visits from attorneys, clergy, social workers, probation officers or other persons professionally associated with a youth's case shall be permitted at reasonable non-scheduled hours. These visits shall not count against any limitation which may be placed on the number of visits allowed.

(Source: Added at 20 Ill. Reg. _____, effective _____)

STATE BOARD OF ELECTION

NOTICE OF PROPOSED RULE

1) Heading of the Part: Registration of Voters

2) Code Citation: 26 Ill. Adm. Code 216

<u>Section Numbers:</u>	<u>Proposed Action:</u>
216.10	New Section
216.20	New Section
216.30	New Section
216.40	New Section
216.50	New Section
216.60	New Section
216.70	New Section
216.80	New Section
216.90	New Section
216.100	New Section
216.Exhibit A	New Section
216.Exhibit B	New Section
216.Exhibit C	New Section
216.Exhibit D	New Section
216.Exhibit E	New Section
216.Exhibit F	New Section
216.Exhibit G	New Section
216.Exhibit H	New Section

4) Statutory Authority: Implementing the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) and authorized by Article 1, Section 4 of the United States Constitution and by Sections 1A-8(4), (9) and (12) of the Illinois Election Code [10 ILCS 5/1A-8(4), (9) and (12)].

5) A Complete Description of the Subjects and Issues Involved: The emergency rules, comprising an entirely new Part to Title 26 of the Illinois Administrative Code, provide 1) a set of procedures for registering voters; 2) a set of standards for removing voters from eligibility to vote; 3) a set of procedures for voting by persons whose addresses have changed and for updating registration information of such persons; 4) forms to facilitate both the registration of voters to vote and for the maintenance of eligibility lists of voters; and 5) requirements and procedures for recordkeeping under NVRA. The voter registration procedures set out in the new Part are in addition to means provided in the Election Code [10 ILCS 5/1-1] for registering to vote, and do not affect the voter registration of persons already registered to vote in Illinois, except to redefine the circumstances under which a voter loses his or her eligibility to vote.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
Yes

7) Does this rulemaking contain an automatic repeal date? No

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NOTICE OF PROPOSED RULE

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: The rules proposed for adoption here should not, except to the extent that federal regulations impose additional recordkeeping requirements, affect local governments falling within the definition of Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)]. Because the requirements of NVRA must be met, modifications of existing voter registration practices are unavoidable. Moreover, the Circuit Court of Cook County has determined that procedural and substantive changes to Illinois law required for federal elections must be applicable to elections for State and local offices as well. In promulgating these proposed rules, the State Board of Elections has acted to insure Illinois' constitutional requirement of uniformity in the election laws of Illinois, without which, uniformity could not be guaranteed. In drafting the proposed rules, the State Board of Elections has attempted to minimize the costs of recordkeeping, printing, and postage that can be expected to constitute the bulk of any additional costs the proposed rules impose.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Public hearings on the proposed rules will be held on November 25, 1996 at the Board's principal office, 1040 S. Spring Street, Springfield, IL and on December 17, 1996 at the Board's permanent branch office in the James R. Thompson Center, 100 W. Randolph Street, Chicago, IL. Please call the Board's offices for location of room and time of hearing. Written comments may be addressed to:

State Board of Elections
A.L. Zimmer, General Counsel
James R. Thompson Center
100 West Randolph Street
Suite 14-100
Chicago, IL 60601
(312) 814-6477

12) Initial Regulatory Flexibility Analysis: These rules will not affect small businesses.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: These rules are proposed to comply with the order of United States District Court for the Northern District of Illinois entered March 28, 1995 in *ACORN, et al. v. Edgar, et al.* and related cases, and with the order of the Circuit Court of Cook County entered on May 1, 1995 in *Edgar, et al. vs. Orr, et al.*, requiring Illinois to implement the voter registration requirements for federal elections set forth in the National Voter Registration Act of

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1993 (42 U.S.C. 1973gg et seq.) for all elections conducted under the Illinois Election Code [10 ILCS 5/1-1].

The full text of the Proposed Rule is identical with the text of Emergency Rules in this issue of the Register on page

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1) Heading of the Part: Definitions and General Provisions2) Code Citation: 35 Ill. Adm. Code 2113) Section numbers: Proposed action:
211.7150 Amendment4) Statutory authority: 415 ILCS 5/9, 9.1, 10, 27 and 28.5.

5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's proposed opinion of October 17, 1996, in R96-16, which is available from the address below. Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Illinois definition of volatile organic material (VOM) to correspond with amendments to the federal definition of volatile organic compound (VOC, essentially the same material) adopted by USEPA which appeared in the Federal Register on February 7, 1996 (61 Fed. Reg. 4588). USEPA amended its regulations to add one compound to the list of those exempted from the federal definition of VOM (40 CFR 51.100(s)): perchloroethylene, also known as tetrachloroethylene.

The Board has incorporated the federal amendment of February 7, 1996 with only minor deviation from the added federal text. The Board has parenthetically added the alternative name for perchloroethylene (i.e., "tetrachloroethylene") in the listing for this material.

6) Will this proposed rule replace an emergency rule currently in effect? No7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No. Although the pre-existing text of Section 211.7150 includes incorporations of federal regulations by reference, none of those incorporations are affected by these amendments.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking is mandated by Section 9.1(e) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 8 of that Act. This rulemaking would not impose a mandate on units of local government. Rather, this proceeding could relax an existing mandate to the extent that any unit of local government may be involved in the emission of perchloroethylene in

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such a way that it is subject to the volatile organic material emissions regulations.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R96-16 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601
(312) 814-6931

The Board will conduct a public hearing on these proposed amendments, as required by Section 110 of the federal Clean Air Act, 42 U.S.C. Section 7410, because this proceeding would entail a State Implementation Plan (SIP) revision. The hearing has been scheduled as follows:

1:30 p.m., Wednesday, November 20, 1996
James R. Thompson Center, Suite 11-500
100 West Randolph Street
Chicago, IL 60601

For further information, contact the hearing officer, Michael J. McCambridge, at 312-814-6924.

12) Initial regulatory flexibility analysis:

A) Types of small businesses affected: The existing rules and proposed amendments affect small businesses that engage in activities that cause the emission of VOM. More specifically, the affected entities emit the single compound to which the new exemption applies. Emissions of this material will no longer be considered as emissions of VOM, so that they will no longer be subject to VOM emission limitations and monitoring, recordkeeping, and reporting requirements.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping, and other procedures, including the preparation of annual reports, emissions analyses, and maintenance of operating records. Emissions of this material will no longer be considered as emissions of VOM, so that they will no longer be subject to VOM emission limitations and monitoring, recordkeeping, and reporting requirements.

C) Types of professional skills necessary for compliance: Compliance

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with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1996

The full text of the proposed amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 211
DEFINITIONS AND GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section	Incorporations by Reference
211.101	Abbreviations and Conversion Factors
211.102	

SUBPART B: DEFINITIONS

Section	Other Definitions
211.121	Definitions (Repealed)
211.122	Accelacota
211.130	Accumulator
211.150	Acid Gases
211.170	Actual Heat Input
211.210	Adhesive
211.230	Adhesion Promoter
211.240	Aeration
211.250	Aerosol Can Filling Line
211.270	Afterburner
211.290	Air Contaminant
211.310	Air Dried Coatings
211.330	Air Oxidation Process
211.350	Air Pollutant
211.370	Air Pollution
211.390	Air Pollution Control Equipment
211.410	Air Suspension Coater/Dryer
211.430	Airless Spray
211.450	Air Assisted Airless Spray
211.470	Alcohol
211.474	Animal
211.484	Animal Pathological Waste
211.485	Annual Grain Through-Put
211.490	Anti-Glare/Safety Coating
211.495	Application Area
211.510	Architectural Coating
211.530	As Applied
211.550	As-Applied Fountain Solution
211.560	Asphalt
211.570	

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211.590	Asphalt Prime Coat
211.610	Automobile
211.630	Automobile or Light-Duty Truck Assembly Source or Automobile or Light-Duty Truck Manufacturing Plant
211.650	Automobile or Light-Duty Truck Refinishing
211.660	Automotive/Transportation Plastic Parts
211.670	Baked Coatings
211.680	Bakery Oven
211.685	Basecoat/Clearcoat System
211.690	Batch Loading
211.695	Batch Operation
211.696	Batch Process Train
211.710	Bead-Dipping
211.730	Binders
211.750	British Thermal Unit
211.770	Brush or Wipe Coating
211.790	Bulk Gasoline Plant
211.810	Bulk Gasoline Terminal
211.820	Business Machine Plastic Parts
211.830	Can
211.850	Can Coating
211.870	Can Coating Line
211.890	Capture
211.910	Capture Device
211.930	Capture Efficiency
211.950	Capture System
211.970	Certified Investigation
211.980	Chemical Manufacturing Process Unit
211.990	Choke Loading
211.1010	Clean Air Act
211.1050	Cleaning and Separating Operation
211.1070	Cleaning Materials
211.1090	Clear Coating
211.1110	Clear Topcoat
211.1130	Closed Purged System
211.1150	Closed Vent System
211.1170	Coal Refuse
211.1190	Coating
211.1210	Coating Applicator
211.1230	Coating Line
211.1250	Coating Plant
211.1270	Coil Coating
211.1290	Coil Coating Line
211.1310	Cold Cleaning
211.1330	Complete Combustion
211.1350	Component
211.1370	Concrete Curing Compounds
211.1390	Concentrated Nitric Acid Manufacturing Process

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211.1410	Condensate
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211.1465	Continuous Automatic Stoking
211.1470	Continuous Process
211.1490	Control Device
211.1510	Control Device Efficiency
211.1530	Conventional Soybean Crushing Source
211.1550	Conveyorized Degreasing
211.1570	Crude Oil
211.1590	Crude Oil Gathering
211.1610	Crushing
211.1630	Custody Transfer
211.1650	Cutback Asphalt
211.1670	Daily-Weighted Average VOM Content
211.1690	Day
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211.1750	Dip Coating
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211.1780	Distillation Unit
211.1790	Drum
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211.1830	Dump-Pit Area
211.1850	Effective Grate Area
211.1870	Effluent Water Separator
211.1875	Elastomeric Materials
211.1880	Electromagnetic Interference/Radio Frequency (EMI/RFI) Shielding
211.1890	Coatings
211.1900	Electrostatic Bell or Disc Spray
211.1910	Electrostatic Prep Coat
211.1920	Electrostatic Spray
211.1930	Emergency or Standby Unit
211.1950	Emission Rate
211.1950	Emission Unit
211.1970	Enamel
211.1990	Enclose
211.2010	End Sealing Compound Coat
211.2030	Enhanced Under-the-Cup Fill
211.2050	Ethanol Blend Gasoline
211.2070	Excess Air
211.2090	Excessive Release
211.2110	Existing Grain-Drying Operation (Repealed)
211.2130	Existing Grain-Handling Operation (Repealed)
211.2150	Exterior Base Coat
211.2170	Exterior End Coat
211.2190	External Floating Roof
211.2210	Extreme Performance Coating
211.2230	Fabric Coating

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211.2250	Fabric Coating Line
211.2270	Federally Enforceable Limitations and Conditions
211.2290	Fermentation Time
211.2300	Fill
211.2310	Final Repair Coat
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211.2350	Fixed-Roof Tank
211.2360	Flexible Coating
211.2365	Flexible Operation Unit
211.2370	Flexographic Printing
211.2390	Flexographic Printing Line
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211.2470	Fuel Combustion Emission Unit or Fuel Combustion Emission Source
211.2490	Fugitive Particulate Matter
211.2510	Full Operating Flowrate
211.2530	Gas Service
211.2550	Gas/Gas Method
211.2570	Gasoline
211.2590	Gasoline Dispensing Operation or Gasoline Dispensing Facility
211.2610	Gel Coat
211.2630	Gloss Reducers
211.2650	Grain
211.2670	Grain-Drying Operation
211.2690	Grain-Handling and Conditioning Operation
211.2710	Grain-Handling Operation
211.2730	Green-Tire Spraying
211.2750	Green Tires
211.2770	Gross Heating Value
211.2790	Gross Vehicle Weight Rating
211.2810	Heated Airless Spray
211.2830	Heatset
211.2850	Heatset Web Offset Lithographic Printing Line
211.2870	Heavy Liquid
211.2890	Heavy Metals
211.2910	Heavy Off-Highway Vehicle Products
211.2930	Heavy Off-Highway Vehicle Products Coating
211.2950	Heavy Off-Highway Vehicle Products Coating Line
211.2970	High Temperature Aluminum Coating
211.2990	High Volume Low Pressure (HVLP) Spray
211.3010	Hood
211.3030	Hot Well
211.3050	Housekeeping Practices
211.3070	Incinerator
211.3090	Indirect Heat Transfer
211.3110	Ink
211.3130	In-Process Tank

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211.3150	In-Situ Sampling Systems
211.3170	Interior Body Spray Coat
211.3190	Internal-Floating Roof
211.3210	Internal Transferring Area
211.3230	Lacquers
211.3250	Large Appliance
211.3270	Large Appliance Coating
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211.3330	Light-Duty Truck
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211.3390	Liquid-Mounted Seal
211.3410	Liquid Service
211.3430	Liquids Dripping
211.3450	Lithographic Printing Line
211.3470	Load-Out Area
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211.3490	Low Solvent Coating
211.3500	Lubricating Oil
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211.3570	Major Dump Pit
211.3590	Major Metropolitan Area (MMA)
211.3610	Major Population Area (MPA)
211.3620	Manually Operated Equipment
211.3630	Manufacturing Process
211.3650	Marine Terminal
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211.3670	Material Recovery Section
211.3690	Maximum Theoretical Emissions
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211.3770	Metallic Shoe-Type Seal
211.3790	Miscellaneous Fabricated Product Manufacturing Process
211.3810	Miscellaneous Formulation Manufacturing Process
211.3830	Miscellaneous Metal Parts and Products
211.3850	Miscellaneous Metal Parts and Products Coating Line
211.3870	Miscellaneous Metal Parts or Products Coating Line
211.3890	Miscellaneous Organic Chemical Manufacturing Process
211.3910	Mixing Operation
211.3915	Mobile Equipment
211.3930	Monitor
211.3950	Monomer
211.3960	Motor Vehicles

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211.3965	Motor Vehicle Refinishing	Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility
211.3970	Multiple Package Coating	
211.3990	New Grain-Drying Operation (Repealed)	
211.4010	New Grain-Handling Operation (Repealed)	
211.4030	No Detectable Volatile Organic Material Emissions	
211.4050	Non-Contact Process Water Cooling Tower	
211.4055	Non-Flexible Coating	
211.4065	Non-Heatset	
211.4070	Offset	
211.4090	One Hundred Percent Acid	
211.4110	One-Turn Storage Space	
211.4130	Opacity	
211.4150	Opaque Stains	
211.4170	Open Top Vapor Degreasing	
211.4190	Open-Ended Valve	
211.4210	Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility	
211.4230	Organic Compound	
211.4250	Organic Material and Organic Materials	
211.4260	Organic Solvent	
211.4270	Organic Vapor	
211.4290	Oven	
211.4310	Overall Control	
211.4330	Overvarnish	
211.4350	Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility	
211.4370	Owner or Operator	
211.4390	Packaging Rotogravure Printing	
211.4410	Packaging Rotogravure Printing Line	
211.4430	Pail	
211.4450	Paint Manufacturing Source or Paint Manufacturing Plant	
211.4470	Paper Coating	
211.4490	Paper Coating Line	
211.4510	Particulate Matter	
211.4530	Parts Per Million (Volume) or PPM (Vol)	
211.4550	Person	
211.4590	Petroleum	
211.4610	Petroleum Liquid	
211.4630	Petroleum Refinery	
211.4650	Pharmaceutical	
211.4670	Pharmaceutical Coating Operation	
211.4690	Photochemically Reactive Material	
211.4710	Pigmented Coatings	
211.4730	Plant	
211.4740	Plastic Part	
211.4750	Plasticizers	
211.4770	PM-10	
211.4790	Pneumatic Rubber Tire Manufacture	

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211.4810	Polybasic Organic Acid Partial Oxidation Manufacturing Process	
211.4830	Polyester Resin Material(s)	
211.4850	Polyester Resin Products Manufacturing Process	
211.4870	Polystyrene Plant	
211.4890	Polystyrene Resin	
211.4910	Portable Grain-Handling Equipment	
211.4930	Portland Cement Manufacturing Process Emission Source	
211.4950	Portland Cement Process or Portland Cement Manufacturing Plant	
211.4970	Potential to Emit	
211.4990	Power Driven Fastener Coating	
211.5010	Precoat	
211.5030	Pressure Release	
211.5050	Pressure Tank	
211.5060	Pressure/Vacuum Relief Valve	
211.5061	Pretreatment Wash Primer	
211.5065	Primary Product	
211.5070	Prime Coat	
211.5080	Primer Sealer	
211.5090	Primer Surfacer Coat	
211.5110	Primer Surfacer Operation	
211.5130	Primers	
211.5150	Printing	
211.5170	Printing Line	
211.5185	Process Emission Source	
211.5190	Process Emission Unit	
211.5210	Process Unit	
211.5230	Process Unit Shutdown	
211.5245	Process Vent	
211.5250	Process Weight Rate	
211.5270	Production Equipment Exhaust System	
211.5310	Publication Rotogravure Printing Line	
211.5330	Purged Process Fluid	
211.5340	Rated Heat Input Capacity	
211.5350	Reactor	
211.5370	Reasonably Available Control Technology (RACT)	
211.5390	Reclamation System	
211.5410	Refiner	
211.5430	Refinery Fuel Gas	
211.5450	Refinery Fuel Gas System	
211.5470	Refinery Unit or Refinery Process Unit	
211.5480	Reflective Argon Coating	
211.5490	Refrigerated Condenser	
211.5500	Regulated Air Pollutant	
211.5510	Reid Vapor Pressure	
211.5530	Repair	
211.5550	Repair Coat	
211.5570	Repaired	
211.5590	Residual Fuel Oil	

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211.5600	Resist Coat
211.5610	Restricted Area
211.5630	Retail Outlet
211.5650	Ringelmann Chart
211.5670	Roadway
211.5690	Roll Coater
211.5710	Roll Coating
211.5730	Roll Printer
211.5750	Roll Printing
211.5770	Rotogravure Printing
211.5790	Rotogravure Printing Line
211.5810	Safety Relief Valve
211.5830	Sandblasting
211.5850	Sanding Sealers
211.5870	Screening
211.5890	Sealer
211.5910	Semi-Transparent Stains
211.5930	Sensor
211.5950	Set of Safety Relief Valves
211.5970	Sheet Basecoat
211.5980	Sheet-Fed
211.5990	Shotblasting
211.6010	Side-Seam Spray Coat
211.6025	Single Unit Operation
211.6030	Smoke
211.6050	Smokeless Flare
211.6060	Soft Coat
211.6070	Solvent
211.6090	Solvent Cleaning
211.6110	Solvent Recovery System
211.6130	Source
211.6140	Specialty Coatings
211.6145	Specialty Coatings for Motor Vehicles
211.6150	Specialty High Gloss Catalyzed Coating
211.6170	Specialty Leather
211.6190	Specialty Soybean Crushing Source
211.6210	Splash Loading
211.6230	Stack
211.6250	Stain Coating
211.6270	Standard Conditions
211.6290	Standard Cubic Foot (scf)
211.6310	Start-Up
211.6330	Stationary Emission Source
211.6350	Stationary Emission Unit
211.6355	Stationary Gas Turbine
211.6360	Stationary Reciprocating Internal Combustion Engine
211.6370	Stationary Source
211.6390	Stationary Storage Tank

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211.6400	Stencil Coat
211.6410	Storage Tank or Storage Vessel
211.6430	Styrene Devolatilizer Unit
211.6450	Styrene Recovery Unit
211.6470	Submerged Loading Pipe
211.6490	Substrate
211.6510	Sulfuric Acid Mist
211.6530	Surface Condenser
211.6540	Surface Preparation Materials
211.6550	Synthetic Organic Chemical or Polymer Manufacturing Plant
211.6570	Tablet Coating Operation
211.6580	Texture Coat
211.6590	Thirty-Day Rolling Average
211.6610	Three-Piece Can
211.6620	Three or Four Stage Coating System
211.6630	Through-the-Valve Fill
211.6650	Tooling Resin
211.6670	Topcoat
211.6690	Topcoat Operation
211.6695	Topcoat System
211.6710	Touch-Up
211.6720	Touch-Up Coating
211.6730	Transfer Efficiency
211.6750	Tread End Cementing
211.6770	True Vapor Pressure
211.6790	Turnaround
211.6810	Two-Piece Can
211.6830	Under-the-Cup Fill
211.6850	Undertread Cementing
211.6860	Uniform Finish Blender
211.6870	Unregulated Safety Relief Valve
211.6880	Vacuum Metallizing
211.6890	Vacuum Producing System
211.6910	Vacuum Service
211.6930	Valves Not Externally Regulated
211.6950	Vapor Balance System
211.6970	Vapor Collection System
211.6990	Vapor Control System
211.7010	Vapor-Mounted Primary Seal
211.7030	Vapor Recovery System
211.7050	Vapor Suppressed Polyester Resin
211.7070	Vinyl Coating
211.7090	Vinyl Coating Line
211.7110	Volatile Organic Liquid (VOL)
211.7130	Volatile Organic Material Content (VOMC)
211.7150	Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
211.7170	Volatile Petroleum Liquid
211.7190	Wash Coat

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211.7210	Wastewater (Oil/Water) Separator
211.7230	Weak Nitric Acid Manufacturing Process
211.7250	Web
211.7270	Wholesale Purchase - Consumer
211.7290	Wood Furniture
211.7310	Wood Furniture Coating
211.7330	Wood Furniture Coating Line
211.7350	Woodworking
211.7400	Yeast Percentage

APPENDIX A Rule into Section Table
APPENDIX B Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 10, 27 and 28.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R87-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15744, effective October 17, 1994; amended in R94-15 at 18 Ill. Reg. 16379, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16929, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6823, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7344, effective May 22, 1995; amended in R95-2 at 19 Ill. Reg. 11066, effective July 12, 1995; amended in R95-16 at 19 Ill. Reg. 15176, effective October 19, 1995; amended in R96-5 at 20 Ill. Reg. 7590, effective May 22, 1996; amended in R96-16 at 20 Ill. Reg. _____,

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effective _____.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART B: DEFINITIONS

Section 211.7150 Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)

"Volatile organic material (VOM)" or "volatile organic compound (VOC)" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions.

a) Which includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity:

methane;
ethane;
methylene chloride (dichloromethane);
1,1,1-trichloroethane (methyl chloroform);
1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
trichlorofluoromethane (CFC-11);
dichlorodifluoromethane (CFC-12);
chlorodifluoromethane (CFC-22);
trifluoromethane (HFC-23);
1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114);
chloropentafluoroethane (CFC-115);
1,1,1-trifluoro-2,2-dichloroethane (HCFC-134a);
1,1,1,2-tetrafluoroethane (HFC-134b);
1,1-dichloro-1-fluoroethane (HCFC-141b);
1-chloro-1,1-difluoroethane (HCFC-142b);
2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
pentafluoroethane (HFC-125);
1,1,2,2-tetrafluoroethane (HFC-134);
1,1,1-trifluoroethane (HFC-143a);
1,1-difluoroethane (HFC-152a); and
perfluorocarbon parachlorobenzotrifluoride (PCBTF);
perchloroethylene (tetrachloroethylene);
cyclic, branched, or linear completely-methylated siloxanes;
acetone (2-propanone or dimethylketone);
and perfluorocarbon compounds which fall into these classes:
1) Cyclic, branched, or linear, completely fluorinated alkanes;
2) Cyclic, branched, or linear, completely fluorinated ethers with

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- no unsaturations;
- 3) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
 - 4) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.
- b) For purposes of determining VOM emissions and compliance with emissions limits, VOM will be measured by the test methods in the approved implementation plan or 40 CFR Part 60, Appendix A, incorporated by reference at 35 Ill. Adm. Code 215.105, 218.112 and 219.112, as applicable, or by source-specific test methods that have been established pursuant to a permit issued pursuant to a program approved or promulgated under Title V of the Clean Air Act; under 40 CFR Part 51, Subpart I or Appendix S, incorporated by reference at 35 Ill. Adm. Code 218.112 and 219.112; or under 40 CFR Part 52.21, incorporated by reference at 35 Ill. Adm. Code 218.112 and 219.112, as applicable. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOM if the amount of such compounds is accurately quantified and the exclusions is approved by the Agency.
- c) As a precondition to excluding these negligibly-reactive compounds as VOM, or at any time thereafter, the Agency may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the Agency, the amount of negligibly-reactive compounds in the source's emissions.
- d) The USEPA shall not be bound by any State determination as to appropriate methods for testing or monitoring negligibly-reactive compounds if such determination is not reflected in any of the test methods in subsection (b) above.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Charitable Games Act
- 2) Code Citation: 86 Ill. Adm. Code 435
- 3) Section Numbers:

	<u>Proposed Action:</u>
435.100	Amendment
435.110	Amendment
435.120	Amendment
435.130	Amendment
435.140	Amendment
435.150	Amendment
435.160	Amendment
435.170	Amendment
435.180	Amendment
435.190	Amendment
435.200	Amendment
435.210	Amendment
- 4) Statutory Authority: 230 ILCS 30
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends the Charitable Games Act to make various changes to the following areas: definitions, charitable games licenses, suppliers' licenses, providers' licenses, operation of charitable games events and restrictions and limitations on the conducting of charitable games.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State Mandate, nor does it modify any existing State Mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Gina Roccaforte
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, IL 62794

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CHAPTER I: DEPARTMENT OF REVENUE

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(217) 782-6996

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Qualified organizations holding a charitable games license, licensed suppliers of charitable games equipment and licensed providers of premises for the conducting of charitable games events.

B) Reporting, bookkeeping or other procedures required for compliance: Minimal

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the two most recent agendas because: The need for these amendments was not foreseen at the time of the two most recent regulatory agendas.

The full text of the Proposed Amendment(s) begins on the next page:

PART 435
CHARITABLE GAMES ACT

Section	
435.100	Introduction
435.110	Definitions
435.120	Charitable Games Licenses
435.130	Supplier's Licenses
435.140	Provider's Licenses
435.150	Ineligibility for License
435.160	Operation of Charitable Games Events
435.170	Restrictions and Limitations on the Conducting of Charitable Games
435.180	Imposition of Tax, Returns
435.190	Records; Audits
435.200	Denial, Suspension, or Revocation of Licenses
435.210	Criminal and Civil Penalties
435.220	State-Local Relations

AUTHORITY: Implementing and authorized by the Charitable Games Act [230 ILCS 301].

SOURCE: Emergency Rule adopted at 10 Ill. Reg. 15687, effective September 15, 1986, for a maximum of 150 days; adopted at 11 Ill. Reg. 3722, effective February 10, 1987; peremptory amendments at 11 Ill. Reg. 10702, effective May 26, 1987; amended at 15 Ill. Reg. 10966, effective July 10, 1991; amended at 16 Ill. Reg. 14702, effective September 14, 1992; amended at 18 Ill. Reg. 11629, effective July 7, 1994; amended at 20 Ill. Reg. _____, effective _____.

Section 435.100 Introduction

This part implements the Charitable Games Act [230 ILCS 30] ~~which was adopted by the General Assembly to allow not-for-profit charitable, fraternal, labor, educational, veterans, local fraternal mutual benefit and religious organizations to raise funds by conducting casino-type gaming events. Other forms of licensed charitable gaming, such as bingo and raffles, may be played during an event. Licenses for these activities, however, must be obtained. Licenses for bingo must be obtained from the Department, while raffle licenses must be obtained from the county or municipal government responsible for licensing. See the Raffles Act [230 ILCS 15].~~ ~~For persons familiar with the rules governing those activities, some of the following charitable games rules are more restrictive than the bingo and raffle rules. The reason is that the charitable games events authorized by the Act are, to a much greater extent~~

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than bingo, subject to the abuses often associated with gambling. In turn, these abuses are more likely to occur because the amounts of money involved are potentially much greater, and the bigger the pot, the greater the danger of involvement by criminal elements. In bingo, the statutory prize limit effectively puts a ceiling on the amount of money involved at any single bingo session. At charitable games events, if cash prizes are used, chips, scrip or play money can be cashed in for currency not to exceed there-is-a-limit-on winnings-of \$250 per person.⁷ No but-no limit is imposed, however, on the total amount of non-cash prizes. Similarly,there-is-no-limit-on-the-value-of merchandise-given-as-prizes-at-charitable-games-events. The General Assembly recognized the increased potential for violations at charitable games events, and the Act is consequently more restrictive in many ways than the Bingo License and Tax Act [230 ILCS 25] ~~(111-Rev-Stat-1997-ch-120-par-1101-et seq.)~~. A few examples: eligibility for charitable games licenses is more limited; the number of events allowed is much smaller; licensees must notify local law enforcement authorities of their charitable games events; the Illinois Department of Revenue (Department) may summarily suspend charitable games licenses before hearings are held; record keeping requirements are more detailed; and the criminal penalties for violation of the Act are much more severe (a second violation of the Act constitutes a felony). In addition, any person who violates any provision of the Act or knowingly violates any rule of the Department for the administration of the Act is, in addition to other penalties, subject to a civil penalty in the amount of \$250 for each separate violation. The rules that follow reflect the statutory mandate. Organizations applying for licenses must understand that their failure to comply fully with this Part and to cooperate with the Department's investigative efforts will inevitably mean that long-planned charitable games events will have to be postponed, or even cancelled. At the same time, it is the Department's policy to do everything possible to assist qualified organizations in obtaining licenses and afford these organizations every opportunity to hold a successful fundraiser. Applicants and licensees should not hesitate to contact the Office of Bingo and Charitable Games of the Department at 101 W. Jefferson Street, P.O. Box 19480, Springfield, Illinois 62794, 217/524-4164 217/7782-8746, with any questions, problems, or comments that may arise. Finally, the Act and this Part are designed to regulate who may be licensed, where and when charitable games events may be played, and what records must be kept of the funds raised. Except-for-a-few-specific-provisions-in-the-Act-and-rules,however,the-General-Assembly-has-determined-that-it-is-up-to-each-licensee-to-determine-how-the-casino-type-gaming-will-be-played-at-its-own-charitable-games-event. Licensees who suspect that they are being defrauded by players or workers, or that money is being stolen, should immediately contact the Department's Bureau of Criminal Enforcement at 312/814-1750 768771-1200.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 435.110 Definitions

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As used in this Part, the terms listed below are defined as follows:

"Act": The Charitable Games Act [230 ILCS 30] ~~(111-Rev-Stat-1997-par-1111-et-seq.)~~.

~~"Cash": means coin, currency, checks, marketable securities, or any other similar item that can be readily redeemed or converted into legal tender.~~

"Charitable games": The fourteen games of chance involving cards, dice, wheels, random selection of numbers, and gambling tickets enumerated in Section 435.160 which may be conducted at charitable games events.⁷

"Charitable games equipment": Any supplies, devices, equipment, products or materials designed for use or used in the playing of charitable games, including, but not limited to, cards, dice, pull tabs and any related type of gambling ticket, chips, representations of money, and wheels.⁷

"Charitable games event" or "event": The type of fundraising event authorized by the Act at which participants pay to play charitable games for the chance of winning cash or noncash prizes, and which may be conducted only on the date stated on a license issued by the Department, and only between the hours of noon and 2:00 a.m. ~~midnight on that date.~~ A charitable games event is considered to be a one-day event; each licensee may be licensed to conduct as many as four one-day events in a license year.

"Charitable games provider": An individual or entity holding a license to provide premises for a charitable game.

"Charitable games supplier": An individual or entity holding a license to supply licensed organization with charitable games equipment.

"Chips": Scrip, play money, poker or casino chips, or any other representations of money, used to make ~~as-the-only-means-of-making~~ wagers on the outcome of any charitable game.⁷

"Complete application": An application that contains all information necessary for the Department to determine the applicant's eligibility under the Act and this Part.

"Consultant company": means any person, as defined in this Section, that is hired by a licensed organization to perform services at the event, including, but not limited to, security for persons or property at the event (other than for the charitable games equipment and money).

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chips or scrip used in the conducting of charitable games), or services before the event, including, but not limited to, training for volunteers or advertising. "Consultant companies" include, for instance, "party planners" who plan an event for a licensee by locating and securing qualified suppliers and providers on behalf of the licensee, or who assist a licensee in planning a hosted casino night which is not open to the public (e.g., an event open to only a corporation and its clients which is hosted by the licensee and in return for which a donation is made to the licensee).

"Currency": Coin, checks, marketable securities, or any other similar item that can be readily redeemed or converted into legal tender.

"Department": The Illinois Department of Revenue, Office of Bingo and Charitable Games, P.O. Box 19480, Springfield, Illinois 62794.⁷

"License Year": The year beginning on the date a license is issued under the Act, which date is stated on the license.⁷

"Licensee": An organization holding a license to conduct charitable games events or a person licensed under the Act as a supplier or provider.⁷

"Organization": a corporation, agency, partnership, institution, association, firm or other entity consisting of two or more persons joined by a common interest or purpose (Section 2 of the Act).⁷

"Person": means any natural individual, a corporation, a partnership, a limited liability company, an organization as defined in this Section, a qualified organization, a sponsoring organization, any other licensee under the Act, or a volunteer.

"Qualified organization": means a charitable, religious, fraternal, veterans, labor or educational organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation and that is exempt from federal income taxation under Section 501 (c)(3), (c)(4), (c)(5), (c)(8), (c)(10) or (c)(19) of the Internal Revenue Code; a veterans organization as defined in Section 1 of the Bingo License and Tax Act [230 ILCS 25], organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation; an auxiliary organization of a veterans organization; or a local fraternal mutual benefit organization chartered at least 40 years before it applies for a license.

"Received by the Department" or similar phrases: Whenever this Part requires that any writing or any payment must be received within a specified number of days or by a specified date, the provisions of

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Section 1.25 of the Statute on Statutes [5 ILCS 70] ~~"AN ACT TO REVISE THE LAW IN RELATION TO THE CONSTRUCTION OF THE STATUTES"~~ ~~---(III)---~~ ~~Rev. Stat.:1909--ch.17-par.10267~~ shall apply.

"Sponsoring organization": means a qualified organization that has obtained a license to conduct a charitable games event in conformance with the provisions of the Act.

"Volunteer": means a person recruited by the sponsoring organization who voluntarily performs services at a charitable games event, including participation in the management or operation of a game under Section 435.170(b).

(Source: Amended at 20 Ill. Reg. _____, effective _____.)

Section 435.120 Charitable Games Licenses

a) Eligibility. To be eligible for a charitable games license, an applying organization must have been organized in Illinois and must satisfy each of the following conditions of eligibility:

1) The organization must be a charitable, religious, fraternal, veterans, labor, or educational organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation and which is exempt from federal income taxation under Section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code, a veterans' organization as defined in the Bingo License and Tax Act [230 ILCS 25], or an auxiliary of a veteran's organization (Section 2 of the Act), or a local fraternal mutual benefit organization chartered at least 40 years before it applies for a license.

A) For an organization to be considered charitable for purposes of obtaining a charitable games license, its activities must benefit an indefinite number of persons; it must have no capital, capital stock, or shareholders; its funds must be derived mainly from private and public charity and be held in trust for the objects and purposes expressed in its charter; it must dispense charity to all who need and apply for it; and it must place no obstacles in the way of those seeking the benefits.

B) For an organization to be considered educational for purposes of obtaining a charitable games license, it must be organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools.

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- C) For an organization to be considered religious for purposes of obtaining a charitable games license, it must be a church, congregation, society, or organization founded for the purpose of religious worship.
- D) For an organization to be considered fraternal for purposes of obtaining a charitable games license, it must be a civic, service or charitable organization, not for pecuniary profit, which is a branch, lodge or chapter of a national or State organization and exists for the common business, brotherhood, or other interest of its members. This does not include a college or high school fraternity or sorority.
- E) For an organization to be considered labor for purposes of obtaining a charitable games license, it must be composed of labor unions or workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.
- F) For an organization to be considered a veteran's organization for purposes of obtaining a charitable games license, it must be comprised of members of which substantially all are individuals who are veterans or spouses, widows or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.
- 2) *The organization must have had a bona fide membership engaged in carrying out its objects for at least the entire five-year period immediately preceding application* (Section 3 of the Act). However, this five-year requirement shall not apply with regard to the following two types of organizations:
- A) An organization which has had a bona fide membership engaged in carrying out its objectives for at least the entire two-year period immediately preceding application, and which is affiliated with and chartered by a national organization which meets the five-year requirement (Section 3 of the Act).
- B) A charitable organization created by a fraternal organization which meets the five-year requirement, and which has the same officers and directors as the fraternal organization. "Fraternal Organization" means a civic, service or charitable organization in Illinois, except a college or high school fraternity or sorority, not for pecuniary profit, which is a branch, lodge or chapter of a national or Illinois organization and exists for the common business, brotherhood, or other interest of its members (Section 3 of the Act).
- 3) Auxiliary organizations of a licensee shall not be eligible for a license to conduct charitable games, except for auxiliary

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organizations of veterans organizations (Section 4 of the Act). An "auxiliary organization" is one which exists to assist or support an affiliated organization.

- b) Applications. Application for a charitable games license must be prepared by the prospective licensee or its duly authorized representative only be made on the forms prescribed by the Department, and must be accompanied by a license fee of \$200 ~~in the form of a certified check or money order payable to the Illinois Department of Revenue~~. A duly authorized representative is a person who has filed a power of attorney with the Department. The Department will not consider applications which are not complete or which are not accompanied by the information described below. *Each license must be applied for at least 30 days prior to the event at which the licensee wishes to conduct such games* (Section 3 of the Act). *Any willful misstatements contained in an application constitute perjury* (Section 4 of the Act). An organization applying for a charitable games license must submit the following information in addition to the completed application form:

- 1) Documentary evidence sufficient to show that the organization meets the eligibility requirements of subsection (a) above. Such documentation must include, when applicable, a copy of the organization's by-laws, constitution, charter, minutes of past meetings, promotional materials, and Articles of Incorporation;
- 2) A copy of the letter or any other document issued to the organization by the Internal Revenue Service showing that the organization is currently exempt from federal income taxation under Section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(8), 501(c)(10) or 501(c)(19) of the Internal Revenue Code;
- 3) Information, on the form for that purpose, supplied by the Department or on additional sheets attached to the form, concerning all of the members, volunteers, and employees of the organization who will participate in the management or operation of the charitable games events to be conducted under the license. This information shall include the names, addresses, social security numbers, and dates of birth of all persons who will participate in the management or operation of the games, along with a sworn statement made under penalties of perjury, signed by the presiding officer and secretary of the applicant, that the persons listed as participating in the management or operation of the games are bona fide members, volunteers, or employees of the applicant, that these persons have not participated in the management or operation of more than four charitable games events conducted by any licensee in the calendar year, and that these persons will receive no remuneration or compensation, directly or indirectly, from any source, for participating in the management or operation of the games. Any amendments to this listing must contain an identical sworn statement. If, from the information provided, the Department cannot determine with reasonable

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certainity that a member, volunteer, or employee does not have a criminal record which would make the organization ineligible for a license under Section 435.150, the Department will require such member, volunteer or employee to submit to fingerprinting in order to make a more certain determination as to the lack of a criminal history of the member, volunteer, or employee. Information concerning additional members, volunteers, and employees may be submitted at any time; however, such members, volunteers, and employees may not participate in the management or operation of any charitable games event unless the information required above is received by the Department in writing at least 14 days before the event on forms prescribed by the Department.

4) If the organization will be using charitable games equipment which it owns, it must include with its application for a charitable games license an application for a charitable games equipment ownership permit. The application for such permit must be on the form prescribed by the Department, and must be accompanied by an application fee of \$50 in the form of a certified check or money order payable to the Illinois Department of Revenue. On the permit application, the organization must list all charitable games equipment it owns and certify that all such equipment has the name of the organization permanently affixed thereto in a clearly visible location. Such permits shall be valid indefinitely provided that each time the organization renews its charitable games license it provides the Department with an inventory of all charitable games equipment it owns. However, an organization possessing a permit must file an annual report with the Department that includes a listing of its inventory of charitable games equipment. This report must be filed by January 30 of each year. An organization holding a charitable games equipment ownership permit may lend such equipment without compensation to other licensed organizations without applying for a supplier's license (Section 6 of the Act);

5) A diagram of the area(s) where the charitable games are to be played, showing the approximate location of each game, the location at which chips will be sold and redeemed (the bank), and the location of all doorways entering into the area(s);

6) If the organization will not be conducting its charitable games event(s) on premises which it owns, or at which it has its principal office or conducts activities for which it is organized, the organization must submit with its application a copy of a written, signed lease with the person or organization holding the license to provide the premises on which the charitable games event(s) will be conducted. No charitable games license will be issued for any date(s) not expressly stated in such lease;

7) Any other information requested by the Department which is necessary to establish the eligibility of the organization for a

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charitable games license;
8) A report on a form provided by the Department accounting for the disposition of the gross charitable games proceeds for the organization's most recent license year.

9) The application shall be signed by the presiding officer and the secretary of the applicant organization, who shall attest under penalties of perjury that the information contained in the application is true, correct and complete Section 4 of the Act).

c) Licenses. A licensee may hold only one charitable games license (Section 3 of the Act). A charitable games license will be issued for as many as four dates during a license year. These dates may be consecutive, or separate, or some combination thereof. The license must state at what location each game will be conducted.

1) Addition of new event dates or changes in established event dates and times. Although applicants are not required to list four dates on the application, charitable games licenses which are issued for fewer than four dates must be amended to add additional dates. The Department must receive written notice of an added date, or changed date or time at least 30 days in advance of such date.

2) Changes in established event dates, locations or times. In cases of changed dates, locations, or times, an officer of the organization must notify the Department in writing at least 60 days in advance of the rescheduled event date on which the licensee wishes to conduct games at the alternate location (Section 3 of the Act).

3) Any amendment to a license, including a change in date, time(s) or location, including the addition of a new event date, is subject to a \$50 amendment fee.

d) Upon receipt of a charitable games license the licensee shall file a copy of the license with each police department or, if in an unincorporated area, each sheriff's office whose jurisdiction includes the premises on which the charitable games events are authorized under the license (Section 4 of the Act).

e) The Department will not issue a charitable games license for an event to be held in a municipality if the municipality or county has adopted an ordinance prohibiting such events and has filed a copy of the ordinance with the Department.

f) A licensee must notify the Department of a change in officers within 30 days after such change. Notification must include the name, address, social security number, date of birth, race and daytime telephone number of the officer. In addition, the officer will be required to sign an amended application.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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- a) Any person, firm, or corporation which sells, leases, lends, distributes, or otherwise provides to any organization licensed to conduct charitable games events in Illinois any charitable games equipment must obtain a license to do so from the Department except as provided in Section 435.120(b)(4)(f5).
- b) Application for a supplier's license must be made on the form provided by the Department, and must be accompanied by a license fee of \$500 in the form of a certified check or money order payable to the Illinois Department of Revenue. Corporate applicants shall submit a copy of their Certificate and Articles of Incorporation. A supplier's license is valid for one year from its date of issuance. If, from the information provided, the Department cannot determine with reasonable certainty that a person whose name appears on the application in a capacity described in Section 435.150(a)(6)(f5) or (7)(f6) does not have a criminal record which would make the applicant ineligible for the license, the Department will require such person to submit to fingerprinting in order to make a more certain determination as to the lack of a criminal history of such person. Any change in officers, directors, partners, or stockholders or partners owning at least 10% of the shares of a corporate or partnership licensee, must be reported to the Department within 30 days after the change. If ownership of a licensee is changed, a new application must be submitted to the Department (e.g., a corporate licensee is merged into a different corporation).

1) Along with the application form the applicant must submit a list of all charitable games equipment offered for sale, lease or distribution to any charitable games licensee, and the sales and/or rental price for all such equipment, including, if applicable, the price of equipment rented as part of a package deal. All charitable games equipment shall be kept segregated and separate from any other products, materials or equipment that the supplier might own, sell or lease (Section 6 of the Act), and the supplier shall inform the Department of the exact location of the storage of all charitable games equipment in the supplier's possession.

2) No supplier shall sell, lease or distribute to any charitable games licensee any item of charitable games equipment not included on the list or any amendments thereto described in subsection (b)(1) above, nor shall any supplier sell, lease or distribute to any charitable games licensee any item of charitable games equipment at a price other than the price on file with the Department. Changes in price must be reported to the Department 30 days prior to such change.

3) No supplier shall sell, lease, lend or distribute any item of charitable games equipment to any organization or entity not holding a license to conduct charitable games. To ensure that the organization to whom equipment is sold, leased, lent, or distributed is licensed for charitable gaming, the supplier shall

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obtain from the organization and retain among his or her books and records a copy of the organization's license showing the license number, expiration date and the event date for which the equipment was sold, leased, lent, or distributed.

4) Suppliers may deliver equipment to a licensed organization up to one day before the date of the scheduled event, if the contract with the licensed organization specifies an early delivery date. Such delivery is authorized only when the supplier delivers the equipment to a secured location (e.g., a location whose access is restricted to the licensed organization with whom the supplier has contracted).

c) Within 20 days after the end of any calendar quarter during which a supplier's license is in effect, the supplier shall file a return with the Department listing all sales and leases of charitable games equipment for such quarter, and the gross proceeds derived from each such sale or lease, and the event dates for which equipment was sold, leased, lent, or distributed. A supplier shall keep books and records for the furnishing of charitable games equipment separate and distinct from any other business the supplier might operate (Section 6 of the Act). A supplier shall maintain all such books and records for a period of at least three years and must allow inspection of the books and records by agents or employees of the Department during reasonable business hours.

d) The following general provisions apply to all licensed suppliers:

- 1) A supplier shall not alter or modify any charitable games equipment, or possess any charitable games equipment so altered or modified, so as to allow the possessor or operator of the equipment to obtain a greater chance of winning a game other than as under normal rules of play of such games (Section 6 of the Act). Any charitable games equipment so altered or modified shall be confiscated by the Department.
- 2) A supplier shall permit Department employees to enter the supplier's premises to inspect and test all charitable games equipment (Section 6 of the Act).
- 3) A supplier shall not receive a percentage of the proceeds or admission fees from any charitable games event (Section 6 of the Act).
- 4) No employee, owner, partner, officer, or agent of a supplier may recruit or provide volunteers for a licensed organization.
- 5) A) No employee, owner, partner, officer, or agent of a supplier may participate in the management or operation of any charitable games event (Section 6 of the Act), whether for compensation or not, or whether even if the employee, owner or officer is also a member, volunteer, or employee of the charitable games licensee (Section 6 of the Act). The supplier may provide training classes and consulting service prior to the events, and it may have one representative present at the event to ensure its equipment is not damaged.

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6)5) A supplier shall not have any interest, direct or indirect, in the business of any person, firm, or corporation licensed under the Act to provide premises for the conduct of charitable games (Section 6 of the Act).

7) A supplier may not promote or solicit a charitable games event on behalf of a charitable games licensee or qualified organization (Section 6 of the Act). For instance, suppliers may not maintain or operate hotlines or newsletters which advertise game dates or locations, nor may they recruit qualified organizations to host events.

8) No corporation, firm, agency, or partnership, in which an owner, officer, partner, agent, or employee of a supplier holds any interest, direct or indirect, shall promote, advertise, announce, or solicit charitable games events on behalf of a charitable games licensee or qualified organization.

e) A supplier shall permanently affix his name to all charitable games equipment, supplies and pull tabs he sells, leases or rents. The name shall be plainly visible to the public while any item of charitable games equipment is being used for the purpose for which it was intended at a charitable games event. The supplier's name shall be affixed to any box or other package containing unopened pull tab or break open tickets, and to any promotional cards, or "flares" (Section 6 of the Act). The supplier must maintain uniform colors for chip denominations as established by the Department.

f) Suppliers may not enter into agreements not to compete in certain geographic areas with other suppliers.

g) A supplier shall keep books and records for the furnishing of charitable games equipment separate and distinct from any other business the supplier might operate (Section 6 of the Act). A supplier shall maintain all such books and records, including the documentation required by subsection (b)(3) above, for a period of at least three years and must allow inspection of the books and records by agents or employees of the Department during reasonable business hours.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 435.140 Provider's Licenses

a) Except as provided in subsection (c) below, the person or organization owning, leasing, or controlling premises upon which any charitable games event is to be conducted must first obtain a license to provide the premises for the charitable games event. As used in this Section "premises" means a distinct parcel of land and the buildings thereon. Premises may also include a boat upon which charitable games are being played, provided that documentation required by the Department regarding the location and identification of the boat is submitted

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with the application.

b) Application for a provider's license must be made on the form provided by the Department, and must be accompanied by a license fee of \$50 in the form of a certified check or money order payable to the Illinois Department of Revenue. If, from the information provided on the application, the Department cannot determine with reasonable certainty that a person whose name appears on the application in a capacity described in Section 435.150 (a)(6)(45) or (2)(6) does not have a criminal record which would make the applicant ineligible for the license, the Department will require such person to submit to fingerprinting in order to make a more certain determination as to the lack of a criminal history of such person. If the owner of the premises is a trust, the owner must disclose the names of all trust beneficiaries. Any change in officers, directors, partners, or stockholders or partners owning at least 10% of the shares of a corporate or partnership licensee, must be reported to the Department within 30 days after the change. If ownership of a licensee is changed, a new application must be submitted to the Department (e.g., a corporate licensee is merged into a different corporation). Each provider's license is valid for one year from its date of issuance. During that year, no more than four charitable games events may be conducted on the licensed premises, except that, in a county with fewer than 60,000 inhabitants, a provider may rent or provide such premises for up to eight days in a 12-month period upon a showing that there is no other location suitable for the conduct of charitable games within 5 miles of such premises (Section 4 of the Act).

c) A licensed provider, other than a municipality, may not provide the same premises for conducting more than 8 charitable games nights per year. A municipality may provide the same premises for conducting 16 charitable games nights during a twelve month period (Section 5 of the Act).

d) If an organization has a license to conduct a charitable games event on premises which it owns, or at which it has its principal office or conducts activities for which it was organized, no provider's license is necessary. In addition, such licensee may obtain a provider's license in accordance with Section 5 of the Act to allow it to rent or otherwise provide its premises to another licensee for the conducting of an additional 4 charitable games (Section 5.1 of the Act). However, in no event shall a no premises may be used for the conducting conduct of more than eight (8) events games per calendar year (Section 5.1 of the Act), even if one or more licensed organization owns, conducts activities for which it was organized in, or has its principal office in, that premises.

e) A provider may receive reasonable compensation for the provision of the premises. The compensation shall not be based upon a percentage of the gross proceeds from the charitable games (Section 5 of the Act). Any arms-length agreement as to rent between a provider and a charitable games licensee shall be presumed to be reasonable, provided

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both parties are in full compliance with all provisions of this Section.

f) A provider shall not have any interest in any supplier's business, either direct or indirect. No employee, officer, partner, agent, or owner of a provider may participate in the management or operation of a charitable games event (Section 5 of the Act), even if the employee, officer, partner, agent, or owner is also a member, volunteer or employee of the charitable games licensee, and regardless of whether compensated (Section 5 of the Act). The provider's books and records relating to the provision of premises for charitable games events shall be maintained for a period of three years after the expiration of any license issued pursuant to this Section, and shall be available for inspection by agents or employees of the Department during reasonable business hours.

g) A provider may not promote or solicit a charitable games event on behalf of a charitable games licensee or qualified organization (Section 5 of the Act). For instance, a provider may not maintain or operate a hotline or newsletter advertising the time and date of games. However, a marquis located on the provider's premises which indicates that a licensee is hosting a charity gaming night is permissible. A provider may not recruit a qualified organization for an event.

h) A provider is authorized to provide premises for charitable gaming only for organizations which have been duly licensed by the Department. To ensure that the organization is duly licensed, the provider shall obtain from the organization a copy of its license showing the license number and expiration date, and shall retain this documentation in his books and records.

i) The provider's books and records relating to the provision of premises for charitable games events, including the documentation required by subsection (h) above, shall be maintained for a period of three years after the expiration of a license issued pursuant to this Section and shall be available for inspection by agents or employees of the Department during reasonable business hours.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 435.150 Ineligibility for License

a) The following are ineligible for any license under the Act:

- 1) Any person who has been convicted of a felony within 10 years of the date of the application;
- 2) Any person who has been convicted of a violation of Article 28 (Gambling) (amending) of the Criminal Code of 1961 [20 ILCS 5/28] (Rev. Stat. 1985, ch. 98, par. 28-1 et seq.);
- 3) Any person or organization who has had any license issued under the Bingo License and Tax Act [230 ILCS 25], Illinois Full Tabs

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and Jar Games Act [230 ILCS 20] or Charitable Games Act [230 ILCS 30] a-bingo-or-charitable-games-license revoked by the Department;

4) Any person who is or has been a professional gambler; for example, one who has declared himself to be a professional gambler on an income tax return, or who has been convicted of a gambling offense in another jurisdiction;

5) Any person found gambling in a manner not authorized by this Act, participating in such gambling, or knowingly permitting such gambling on premises where an authorized charitable games event is being or has been conducted. These acts are deemed to have been committed by a person when any determination issued by the Department (e.g., fine, suspension or revocation) regarding these events has become final firm-or-corporation-in-which-a-person-defined-in-subsections---(1)-(2)-(3)-(4)-(5)-above-is-a-proprietary-equitable-or-credit-interest-or-in-which-such-person-is-active-or-employed;

6) Any business or organization in which a person defined in subsections (1), (2), (3), (4) or (5) above has a proprietary, equitable, or credit interest, or in which the person is active or employed;

7) Any business or organization in which a person defined in subsections (1), (2), (3), or (4) or (5) above is an officer, director, or employee, whether compensated or not;

8) Any organization in which a person defined in subsections (1), (2), (3), or (4) or (5) above is to participate in the management or operation of charitable games (Section 7 of the Act);

9) Any unlicensed person or organization engaging in any activities required to be licensed under the Act. These acts are deemed to have been committed when any determination issued by the Department (e.g., fine, confiscation) regarding these events has become final;

10) Any person or organization submitting any application, supporting documentation, return, or report containing statements which the person or organization, knows, or should know, to be false;

11) Any person or organization which, when required pursuant to the Act or this Part, has failed to file or submit any report, return, application, or documentation, or which has failed to pay any fee, tax, penalty, or interest due the Department for any period during which the person or organization has a valid license issued under the Act.

12) Any person or organization which fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any other tax act administered by the Department. [20 ILCS 2505/39b47] (AN-Act-to-amend-Section-39b-of-the-Civil

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Administrative--Code--of--Illinois--approved--March-77-1917-as amended--and--to--add--Section-39b47--therefor--Ill--Rev--Stat--1985--ch--127--par--39b47.

- b) The ineligibility of a person ~~an organization~~ under subsections (a)(6), (a)(5), (a)(7) or (8) above shall continue so long as any person defined in subsections (a) (1), (2), (3), or (4) or (5) above maintains with the person ~~or organization~~ a relationship causing ineligibility. The ineligibility of a person ~~or organization~~ under subsection (a)(9) ~~subsections--(a)--(8)~~ above shall continue for a period of five years from the date of the unlicensed activities were discontinued. The ineligibility of a person ~~or organization~~ under subsections (a)(1), (2), (3), (4), and (10) ~~subsection--(a)(9)~~ above is permanent. ~~The ineligibility of--a--person--or--organization--under subsection--(a)(9)--above--is--permanent.~~ The ineligibility of a person ~~or organization~~ under subsections (a)(11) and (12) ~~subsection--(a)(9)--and--(11)~~ above shall continue until the required information has been provided or the amounts owed the Department have been paid.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 435.160 Operation of Charitable Games Events

- a) Only the following games may be conducted at a charitable games event: roulette, blackjack, poker, pull tabs, craps, bang, beat the dealer, big six, gin rummy, five card stud poker, chuck-a-luck, keno, hold-em poker, and merchandise wheel. A licensee need not conduct every game permitted. The licensee shall promulgate rules, and make printed copies available to participants, for the games conducted at the charitable games event (Section 8 of the Act). However, the games, as played at a charitable games event, must be recognizable from the following general descriptions of these games: Craps, bang, beat the dealer, and chuck-a-luck are dice games. "Craps" involves players rolling a pair of dice in an effort to throw certain combinations of numbers paying various odds. Several rolls may be necessary to determine whether a player has won or lost. "Bang" is similar to craps but with fewer relevant combinations, and a decision is reached on each roll of the dice. In "beat the dealer" the player attempts to throw a higher total on two dice than the dealer. "Chuck-a-luck" uses three dice with players wagering on whether particular spots will appear on one or more of the dice. Roulette, big six, and merchandise wheel are wheel games. "Roulette" uses a wheel, usually separated into 38 numbered compartments into which a ball drops at random, and wagers are made regarding several variables in the outcome of a spin of the wheel. "Big six" uses a sectioned wheel on which are pictured various combinations of three dice, and wagers are made on whether particular spots will appear in the combination that is chosen at random by spinning the wheel.

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"Merchandise wheels" have numbers, symbols or colors used to designate the winning wager and, where applicable, the type of merchandise to be awarded. Blackjack, gin rummy, poker, hold-em poker, and five card stud poker are card games and must be played substantially according to the description of such games found in *Hoyle's Modern Encyclopedia of Card Games* by Walter B. Gibson, published by Doubleday and Company, Inc., April 1974, 1st Edition. However, a house dealer must be provided for all card games played at an event. These dealers are considered to participate in the management and operation of the games, and must be a bona fide employee, member, or volunteer recruited by the licensed organization. Keno is a lotto-type game, similar to bingo, in which a player, to win, must select numbers on a card which correspond to numbers drawn at random from a container. A pull tab, or similar type of gambling ticket, is a single-folded or banded ticket, or is a card, the face of which is initially covered or otherwise hidden from view to conceal a number, symbol, or set of symbols, some of which are winners. Players receive from the licensee the prize for a winning ticket which is stated on the promotional display or "flare". No cards, dice, wheels or other charitable games equipment may be modified or altered so as to give the licensee a greater advantage in winning, other than as provided under the normal rules of play of a particular game (Section 8 of the Act). Any charitable games equipment so altered or modified shall be confiscated by the Department.

- b) Only chips, scrip, or play money (collectively referred to as "chips") may be used to play any of the games listed in subsection (a) above. Cash may never be used to wager on any of the games conducted at any charitable games event. All chips must be monogrammed with a Department-registered logo of the sponsoring organization ~~licensee~~ or of the supplier (Section 8 of the Act). Sponsoring organizations ~~licensees~~ may, at their discretion, accept checks or credit cards as payment for chips. However, such checks must be endorsed by the sponsoring organization ~~licensee~~ so as to show that they were deposited into the sponsoring organization's ~~licensee's~~ charitable games checking account established under Section 435.190. Proceeds from credit cards must be maintained as provided in Section 435.190.

1) Chips must be sold and redeemed at a single, stationary location on the premises where the charitable games event is conducted. This area shall be known as the "bank". The bank must be staffed entirely by members, volunteers or employees of the sponsoring organization ~~licensee~~, who will be required to account for all transactions. No "floor sellers" or "runners" are allowed. For each participant the sponsoring organization ~~licensee~~ shall keep a complete and accurate record of the name and address of the participant, the cash value of each purchase of chips by the participant, and, if chips are redeemable for cash, the cash value of all chips redeemed by the participant. After each separate purchase of chips, the sponsoring organization ~~licensee~~

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shall issue to the purchaser a separate receipt identified by a unique pre-printed number. The number of the receipt, and the amount of the purchase must be entered on the record maintained for that purchaser.

A) All receipts for the purchase of chips must be pre-printed with consecutive numbers, beginning with the number one. Any receipts not issued, and any voided receipts, must be retained as part of the sponsoring organization's licensee's records. (Example: Seller A is selling chips and issuing receipts numbered 1-150. Seller B is also selling chips and issuing receipts numbered 151-300. At the end of the night, seller A has only issued receipts through number 135. Blank receipts 136-150 must be retained by the sponsoring organization licensee.)

B) The entire amount of any admission fee shall be considered to be a purchase of chips even if no chips are given in return for payment of the fee, and must be entered on the record of each participant. For this purchase of chips only, the sponsoring organization licensee need not issue a receipt to the purchaser.

2) If the value of all chips redeemed by a participant for cash exceeds the value of all chips purchased by the participant, the participant must give a signed receipt for the cash won. The organization's signature on the record kept by the sponsoring organization licensee shall be a sufficient receipt. A participant may cash in his chips, scrip or play money in exchange for currency not to exceed \$250 (Section 8(6) of the Act). There is no limit on the amount of noncash prizes that may be exchanged for chips, scrip or play money. No licensee may pay any participant in excess of \$250 more than the total cash value of the chips purchased by that participant. No participant may win more than \$250 in cash at any charitable games event.

3) When a participant exchanges chips for any noncash prize, the participant shall sign for the receipt of such prize. The receipt shall describe the noncash prize and state the retail value of the prize.

4) All receipts required by this subsection (b) shall include the date and the sponsoring organization's licensee's name and charitable games license number.

c) The sponsoring organization licensee shall designate a person in charge of and primarily responsible for the conduct of the charitable games event, and that person must be present on the premises continuously during the charitable games event (Section 4 of the Act). The person in charge must verify that only eligible persons members, whose names appear on the workers list, participate in the management or operation of the event. The person in charge must have been a member of the sponsoring organization licensee for at least one year prior to the charitable games event and shall be familiar with the provisions

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of the Act and this Part.

d) No less than one week prior to an event, each sponsoring organization licensee shall, no less than one week prior to an event, obtain and maintain a bond for the benefit of participants in the charitable games event to insure payment to the winners of such games (Section 4 of the Act). If cash prizes are offered, the amount of the bond shall be \$50 times the number of participants that the licensee reasonably estimates will attend the charitable games event, based on past attendance at similar events and any other indications of attendance available to the licensee. If only noncash prizes are offered, the amount of the bond shall be the amount the licensee will have to pay to purchase all of the noncash prizes which, at any time prior to the event, had been advertised as being available to be won at the event, except that the licensee need not obtain a bond to cover the purchase price of any advertised noncash prizes which are in the actual or constructive possession of the licensee no less than one week prior to the event. In a county with fewer than 60,000 inhabitants, the Department may waive the bond requirement upon a showing by a licensee that it has sufficient funds on deposit to insure payment to the winners of such games.

e) The sponsoring organization licensee must post its charitable games license in a prominent place at or near the location where chips are sold and redeemed, and in a manner such that the license may be easily seen by participants.

f) Charitable games events must be conducted in accordance with local building and fire code requirements (Section 4 of the Act).

g) The sponsoring organization licensee must allow Department employees to be present on the premises during, and for two hours before and after, the charitable games event to inspect or test equipment, devices and supplies used in the conduct of the event, and to examine the records maintained by the licensee pursuant to Section 435.190.

h) The entire net proceeds from charitable games must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game (Section 8 of the Act).

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 435.170 Restrictions and Limitations on the Conducting of Charitable Games

a) No license issued under the Act is assignable or transferrable (Section 4 of the Act).

b) No person except a bona fide member, volunteer, or employee of the sponsoring organization, or a volunteer recruited by the sponsoring organization, licensee may participate in the management or operation of a charitable games event (Section 8 of the Act). Participation in the management or operation of an event includes, but is not limited

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to: selling admission tickets or pull tabs at the event; selling or redeeming or in any way assisting in the selling or redeeming of chips; or participating in the conducting of any games played at the event or acting as a supervisor or pit boss of a person conducting the games. Conducting a game includes, but is not limited to, dealing cards in poker or other card games, spinning the roulette wheel, turning the chuck-a-luck cage, or acting as a croupier. Participation in the management or operation of games also includes persons who, at any time during the hours of the charitable games event, count or handle or supervise anyone who counts or handles any of the proceeds or chips at the event. A person who is present to ensure that the games are being conducted in conformance with the rules established by the licensed organization or is present to ensure that the equipment is working properly is also considered to be participating in the management or operation of a game. A person participates in the management or operation of a charitable games event when he or she sells admission tickets at the event, sells or redeems or in any way assists in the selling or redeeming of chips, participates in the conducting of any of the games played at the event, acts as a supervisor of persons conducting the games, or at any time, counts or handles or supervises anyone counting or handling any of the proceeds or chips at the event. Setting up, cleaning up, selling food and drink, and providing security either for persons and property at the event [other than for the charitable games equipment and money, chips or scrip used in the conducting of charitable games] or to ensure the integrity of the games being conducted, do not constitute, in and of themselves, participation in the management or operation of a charitable games event.

c) No person may receive any remuneration or compensation for participating in the management or operation of a charitable games event (Section 8 of the Act).

1) Employees of a licensee may participate in the management or operation of an event on a volunteer basis only. They may not be required to participate as a condition of employment, nor may they receive any compensation for such participation.

2) Food and drink having a retail value less than ten dollars which is provided to workers shall not be considered to be "remuneration or compensation."

d) No person may participate in the management or operation of a charitable games event and, at the same event, also place any wager, either personally or by proxy, on any charitable game conducted at the event.

e) All persons participating in the management or operation of a charitable games event shall wear name tags, plainly visible, on which are printed the first and last names of the wearer in letters at least one-half inch in height.

f) Volunteers, or bona fide members or employees of the sponsoring organization, may not participate in the management or operation of

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more than 4 charitable games events, either of the sponsoring organization or any other organization licensed to conduct charitable games, during a calendar year. No person may participate in the management or operation of charitable games licensees in any calendar year.

g) No person participating in the management or operation of a charitable games event may solicit or accept any tip, gratuity, gift, or other consideration from any participant or from any licensee under the Act. The charitable games licensee shall post at least one sign prohibiting tipping in a conspicuous place on the premises where the charitable games event is being conducted.

h) Only an organization licensed to conduct charitable games can make a determination that equipment is not working properly and that a game must consequently be shut down. If this determination has been made, the supplier's representative present at the event may contact the supplier to request removal and repair or replacement of the equipment.

i) The amount wagered by any participant on the outcome of any roll of dice, selection of a set of numbers at random, or spin of a wheel shall not exceed ten dollars' worth of chips. The amount wagered by any participant on any round of betting during a card game shall not exceed ten dollars' worth of chips. In poker, a round of betting is deemed to occur whenever a deal of cards, or group of cards on which a wager will be made has been distributed to participants (e.g., after the first two cards, one up and one hole card, have been distributed in 5-card stud poker). In blackjack, a player is authorized to wager ten dollars on each hand that has been "split." A blackjack player who has chosen to "double down" may wager an additional bet not to exceed \$10. The licensee shall not extend credit to any participant in the charitable games event at any time for any reason.

j) No one other than the sponsoring organization of charitable games must have a proprietary interest in the game promoted (Section 8(11) of the Act).

k) Illegal Gambling and Raffles.

1) Unlicensed raffles or other forms of gambling prohibited by law shall not be conducted on the premises where a charitable games event is being conducted. A raffle is "licensed" only when a document is issued to the charitable games licensee by a city or county pursuant to an ordinance providing for the licensing of raffles.

2) No slot machines, including coin-in-the-slot-operated devices which allow a participant to play games of chance based upon cards or dice, shall be permitted to be used on the premises and during the time at which a charitable games event is being conducted (Section 8 of the Act).

l) Miscellaneous Provisions:

1) No person under the age of 18 years may play or participate in the conducting of a charitable games event. Any person under the

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age of 18 may be within the area where charitable games are being played only when accompanied by his or her parent or guardian (Section 8 of the Act). A licensee may, at its discretion, prohibit persons under the age of 18 from being within the area where charitable games are being played.

2) No licensee shall knowingly permit the entry into any part of the premises where a charitable games event is being conducted by any person who has been convicted of a violation of Article 28 (Gambling) of the Criminal Code of 1961 (Section 10 of the Act).

3) No organization licensed to conduct charitable games licensee shall purchase or lease any charitable games equipment other than from a person or organization licensed to supply charitable games equipment under the Act.

4) Any advertising by a sponsoring organization licensee regarding the conducting of its charitable games events shall contain its the name and charitable games license number of the licensee. No person or organization may advertise any charitable games event unless the person or organization has a license to conduct such event.

5) Charitable games may be conducted only between the hours of noon and 2:00 a.m. midnight on the day for which a charitable games license is issued.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 435.180 Imposition of Tax, Returns

a) There shall be paid to the Department 3% of the gross proceeds of any charitable games event conducted in the State (Section 9 of the Act). "Gross Proceeds" means all money received from the sale of chips, and the entire fee or donation charged for admission or entry into a charitable games event. For purposes of this Section, "fee or donation charged for admission or entry into a charitable games event" includes the amount paid to a sponsoring organization for hosting a charitable games event which is not open to the public (e.g., a "casino night" party which is hosted only for a corporation and its clients). The entire amount of an entry fee or donation is considered to be "gross proceeds" even when payment does not entitle the person paying to receive any chips, and even though part or all of the fee represents payment for food or beverages.

b) Each payment of tax shall be made by money order or certified check payable to the Illinois Department of Revenue (Section 9 of the Act). Payments shall be made within 30 days after the completion of the charitable games events. On successive days, the payment for all such events shall be made within 30 days after the completion of the last such event.

c) Every organization licensed to conduct charitable games licensee must

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submit a report along with each payment of tax, on a form provided by the Department, which must contain the following information: A list of the types of charitable games conducted, and the number of stations of each; the number of persons purchasing chips; the amount of the entry fee, if any; gross proceeds; the amount of cash prizes and the cost to the licensee of noncash prizes; the names of all persons and organizations providing security either for persons or property at the event or to ensure the integrity of the games conducted at the event; a listing, on a form provided by the Department, of all individuals participating in the management or operation of the games, containing a signed statement by all such individuals and the presiding officer of the organization, that all provisions of the Act have been complied with; and any other information requested by the Department relating to books or records which the licensee is required to maintain. In addition, the licensee shall file a list of all noncash prizes awarded, stating whether the prizes were purchased by the licensee or donated, and, if donated, by whom.

d) If a sponsoring organization intends to cancel licensee's a charitable games event, it must notify the Department in writing prior to the event the licensee must file a report so stating. If it notifies the Department after the event date, it must file a return the report must be filed within 30 days after the scheduled date of the cancelled event.

e) The sale of tangible personal property at charitable games events including sales for which chips are accepted as payment instead of cash is subject to all State and local taxes and obligations (Section 8 of the Act).

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 435.190 Records; Audits

a) Charitable games event checking account.

1) Each licensee must establish a separate charitable games event checking account into which it must deposit the following funds:

A) The entire amount of admission fees collected prior to the day of the charitable games event, or the first day of events held on successive days;

B) The entire gross proceeds collected on the day(s) of the charitable games event(s), less only any cash prizes paid.

2) All expenditures of funds deposited in the charitable games event checking account must be by checks, having consecutive numbers, payable to a specific person or organization. No checks shall be written to "cash". All checks written on this account must be for some lawful purpose of the licensee.

b) Licensees must keep all records and receipts which this Part requires licensees to maintain, whether or not such records and receipts must

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be filed with the Department. Organizations licensed to conduct charitable games shall keep any and all tax returns, contracts with providers and suppliers, and complete and accurate records issued to participants as set forth under Section 435.160(b)(1) of this Part. Suppliers shall keep all contracts with licensed organizations, lists of all charitable games equipment offered for sale, lease, loan, or distribution to organizations licensed to conduct charitable games, and copies of the licenses of organizations licensed to conduct charitable games. Providers shall keep all contracts with licensed organizations and copies of the licenses of organizations licensed to conduct charitable games. Licensees shall keep any record or receipt pertaining to any charitable games event for at least three years after the event. All such records shall be available for inspection by representatives of the Department during reasonable business hours. Any and all records of any licensee, or any licensed supplier shall be subject to an audit by the Department without notice, performed at the premises where the charitable games event is conducted or at the office of the person or organization where the records are located. In the event of an audit by the Department, the person or organization being audited shall provide all such records, provide a place where such audit may be performed, and provide any requested information relevant to the conduct of the event.

- c) When the Department has information indicating that any person or organization licensed under the Act has not paid the full amount of tax due, has not provided the Department with accurate or complete information concerning revenues from charitable games events, or is using proceeds from charitable games events in an unlawful manner, the Department may require the licensee to obtain from an Illinois certified public accounting firm, at the licensee's own expense, a certified and unqualified financial statement and verification of records of the licensee (Section 10 of the Act). If required, this statement must be submitted to the Department within 90 days after notice is received by the licensee. Failure to comply with this requirement may result in suspension or revocation of the licensee's license and forfeiture of all proceeds (Section 10 of the Act).

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 435.200 Denial, Suspension, or Revocation of Licenses

- a) The Department shall deny the application, including a renewal application, of any person or organization which does not satisfy all eligibility requirements for the license for which application is made, or which is ineligible for a license under Section 435.150(a). b) The Department shall suspend the license of any person or organization which, while its license is in effect, becomes ineligible for any reason. The suspension will remain in force until the person or

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organization retains eligibility. b) The Department shall issue a warning to suspend, or revoke the license of any person or organization violating the Act or this Part. The Department shall revoke any license when it finds that the licensee or any person connected therewith has violated or is violating the provisions of the Act or any rule promulgated thereunder (Section 10 of the Act), or when it finds that the licensee has become ineligible for any reason while the license is in effect.

- 1) The Director may review the offenses subjecting the licensee to revocation and may issue a suspension. The decision to reduce a revocation to a suspension, and the duration of the suspension, shall be made by taking into account factors that include, but are not limited to, the licensee's previous history of compliance with the Act and its rules, the number, seriousness, and duration of the violations, and the licensee's cooperation in discontinuing and correcting violations. Violations of Sections 4, 5, 6, 7, and subsection (2) of Section 8 of the Act are considered to be more serious in nature than other violations under the Act. Suspensions, revocations, and warnings imposed under this subsection will range in duration from one day to one year. The choice and duration of sanctions will be made on a case-by-case basis, and will be based on the licensee's history of compliance, the number, seriousness, and duration of violations, the cooperation extended to the Department, and the sanctions imposed on others by the Department under similar circumstances. The effective date of a revocation or suspension shall be not less than 25 days after the date the Department mails the notice to the licensee. If the licensee requests a hearing within 20 days as provided in subsection (c) (4)(2) below, the effective date of any revocation or suspension is stayed pending the outcome of the hearing, and the licensee may continue to operate under the license, unless the Department has determined that a summary revocation or suspension is warranted, as provided in Section 13 of the Act. If a license expires during a stay of revocation or suspension, the licensee may continue to operate only if a substantially complete renewal application and application fee have been received by the Department prior to the expiration of the license. Although the licensee may continue to operate, the Department will not issue the renewal license until the hearing decision has been rendered. If the hearing officer determines that revocation is warranted, the renewal application will be denied pursuant to Section 435.150(a)(3).
- 3) A revocation or suspension shall be in addition to, and not in lieu of, any other civil or criminal penalties or assessments authorized by the Act.
- c) Notification of denial, warning, suspension, or revocation, requests for hearing:

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- 1) The Department shall send notices of denial, ~~warning~~ suspension, or revocation by certified mail, return receipt requested, to the applicant or licensee at the mailing address stated on the applicant's or licensee's most recent license application. All such notices will include a statement of the reasons for the Department's action.
- 2) An applicant or licensee may request a hearing to contest a denial, suspension, or revocation ~~the Department's action pursuant to 46-311-Adm-Code-200~~. The request shall be in writing, and must be received by the Department within 20 days after the date the Department mailed the notice of its action to the applicant or licensee. ~~If no hearing is requested within 20 days, the Department's revocation, suspension, or denial becomes final, and the licensee is barred from operating. Hearings shall be governed by the regulations established at 86 Ill. Adm. Code 200.~~

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 435.210 Criminal and Civil Penalties

- a) The Act establishes criminal penalties for violations as follows:
 - 1) Section 4(1) of the Act provides that any willful misstatement contained in an application for a license to conduct charitable games ~~license~~ constitutes perjury.
 - 2) Section 6 of the Act provides that any person or organization which knowingly sells, leases, or distributes for compensation within this State, or possesses with intent to sell, or lease, or distribute for compensation within this State, any charitable games equipment without having first obtained a license to do so from the Department is guilty of a Class A misdemeanor, the fine for which shall not exceed \$50,000, ~~if the violation is committed knowingly.~~
 - 3) Section 12 of the Act states that "any person who conducts or knowingly participates in an unlicensed charitable game commits the offense of gambling in violation of Section 28-1 of the Criminal Code of 1961, as amended." Section 12 further provides that ~~anyone who violates any other provision of the Act or anyone who willfully violates any provision of this Part is guilty of a Class A misdemeanor. Any second or subsequent violation of the Act constitutes a Class 4 felony.~~
 - 4) Section 12 of the Act provides that any person who violates any provision of the Act or who knowingly violates any rule or regulation of the Department for the administration and enforcement of the Act, is guilty of a Class A misdemeanor. Any second or subsequent violation constitutes a Class 4 felony.
 - 5) ~~Any person who fails to file a charitable games return or who~~

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~~files a fraudulent return or application under the Act, or any officer or agent of an organization or a corporation licensed under the Act who signs a fraudulent return or application filed on behalf of such organization or corporation, is guilty of a Class A misdemeanor. Any second or subsequent violation constitutes a Class 4 felony (Section 12 of the Act).~~

- b) Forfeitures shall be imposed as follows:

- 1) Any charitable games equipment used at an unlicensed charitable games event is forfeited to the State, and will be confiscated. Any charitable games equipment used at the charitable games event of a licensee whose license has been suspended or ~~is in a suspended or revoked status~~ is forfeited to the State, and will be confiscated, provided that the owner of the equipment knows or could reasonably be expected to know of the suspended or revoked status of the license.
- 2) Any charitable games equipment used for any form of illegal gambling at an otherwise properly licensed charitable games event is forfeited to the State, and will be confiscated.
- 3) The gross proceeds from any charitable games event described in subsection(b)(1) above, or from any illegal gambling at any licensed charitable games event are, forfeited to the State and will be confiscated. The Department shall determine the amount of gross proceeds based on all information available to the Department and its judgment of all the facts of each particular case.
- 4) The Department will provide a detailed written receipt describing all confiscated equipment and proceeds.
- c) The Act establishes civil penalties as follows: ~~In addition to or independently of any forfeiture of gross proceeds as provided in subsection(b)(3) above, the Department shall assess against an organization a civil penalty equal to the amount of gross proceeds derived by the organization from any charitable games event which is conducted without a license or which is conducted under a suspended or revoked license or at which illegal gambling is conducted, a civil penalty of \$1,000 shall be assessed against a licensed supplier for any violation of the Act or this Part. Notice of assessment of a civil penalty shall be sent by certified mail, return receipt requested, to the person or organization against whom a civil penalty has been assessed. The Department shall check or money order payable to the Illinois Department of Revenue the full amount of the penalty within 30 days from the date the notice was mailed.~~

- 1) In addition to, or independently of, confiscation and any forfeiture of gross proceeds as provided in subsection (b)(3) above, the Department shall assess against an organization a civil penalty equal to the amount of gross proceeds derived by the organization from any charitable games event which is conducted without a license or which is conducted under a suspended or revoked license, or at which illegal gambling is

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conducted. Notice of assessment of a civil penalty shall be sent by certified mail, return receipt requested. The person or organization against whom a civil penalty has been assessed shall remit to the Illinois Department of Revenue, the full amount of the penalty within 60 days after the date the notice was mailed.

2)d) When charitable games equipment or gross proceeds are confiscated and forfeited to the State under subsection (b) above, or a civil penalty is assessed under subsection (c)(1) above, the organization entitled to possession of the equipment or proceeds at the time of confiscation or at the time a civil penalty is assessed may, within 60 90 days after of the date of confiscation or imposition of the penalty, request, in writing, a hearing. The sole issue at such hearing shall be whether a charitable games event was conducted without a license, or under a suspended or revoked license, or whether illegal gambling was conducted at an otherwise properly licensed charitable games event.

3) Any person who violates any provision of the Act or knowingly violates any rule of the Department for the administration of the Act, shall, in addition to other penalties provided, be subject to a civil penalty in the amount of \$250 for each separate violation (Section 11 of the Act). The penalty shall become final unless the person makes a written request for a hearing in writing within 60 days after the date the Department mailed the notice of its action. Persons subject to this provision include, but are not limited to, sponsoring organizations, volunteers, any licensee under the Act, or any other person or organization.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Retailers Occupation Tax

2) Code Citation: 86 Ill. Adm. Code 130

3) Section Numbers: Proposed Action:
130.120 Amendment

4) Statutory Authority: 35 ILCS 120

5) A Complete Description of the Subjects and Issues Involved: Amends the Retailers' Occupation Tax Act by providing that the exemption for tangible personal property that is used in the performance of infrastructure repairs, which are the result of a State or federally-declared disaster in this State, shall last only as long as the tangible personal property continues to be used to make infrastructure repairs, and when such tangible personal property is used in a non-exempt manner, the purchaser is liable for the appropriate tax imposed under the Use Tax Act or the Service Use Tax Act. In that event, such amount of Use Tax or Service Use Tax liability incurred is based on the depreciated value of the tangible personal property determined by use of the straight-line method of depreciation at the time the non-qualifying use occurred.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations b reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	IL Register Citation
130.310	Amendment	3/29/96, 20 Ill. Reg. 5047
130.1952	Amendment	4/12/96, 20 Ill. Reg. 5470
130.1501	Amendment	4/19/96, 20 Ill. Reg. 5774

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State Mandate, nor does it modify any existing State Mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Gina Roccaforte
Associate Counsel
Illinois Department of Revenue
Legal Services Office

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101 West Jefferson
Springfield, IL 62794
217/782-6996

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Businesses making infrastructure repairs that are the result of a State or federally-declared disaster in Illinois.

B) Reporting, bookkeeping or other procedures required for compliance: Minimal

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1996

The full text of the Proposed Amendment(s) begins on the next page.

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 130

RETAILERS' OCCUPATION TAX

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130.105	Occasional Sales
130.110	Sale of Used Motor Vehicles by Leasing or Rental Business
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130.310	Fuel Sold for Use in Vessels on Rivers Bordering Illinois
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130.321	Graphic Arts Machinery and Equipment Exemption
130.325	Manufacturing Machinery and Equipment
130.330	Pollution Control Facilities
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130.415 Transportation and Delivery Charges
 130.420 Finance or Interest Charges--Penalties--Discounts
 130.425 Traded-In Property
 130.430 Deposit or Prepayment on Purchase Price
 130.435 State and Local Taxes Other Than Retailers' Occupation Tax
 130.440 Penalties
 130.445 Federal Taxes
 130.450 Installation, Alteration and Special Service Charges
 130.455 Motor Vehicle Leasing and Trade-In Allowances

SUBPART E: RETURNS

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 130.501 Monthly Tax Returns--When Due--Contents
 130.502 Quarterly Tax Returns
 130.505 Returns and How to Prepare
 130.510 Annual Tax Returns
 130.515 First Return
 130.520 Final Returns When Business is Discontinued
 130.525 Who May Sign Returns
 130.530 Returns Covering More Than One Location Under Same Registration--Separate Returns for Separately Registered Locations
 130.535 Payment of the Tax, Including Quarterly Monthly Payments in Certain Instances
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SUBPART F: INTERSTATE COMMERCE

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 130.701 General Information on Obtaining a Certificate of Registration
 130.705 Procedure in Disputed Cases Involving Financial Responsibility Requirements
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SUBPART J: BINDING OPINIONS

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130.1305 When Lessor of Premises Should File Return for Leased Department
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SUBPART N: SALES FOR RESALE

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SUBPART S: SPECIFIC APPLICATIONS

Section
130.1901 Addition Agents to Plating Baths
130.1905 Agricultural Producers
130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage

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130.1915 Stamps and Like Articles
130.1920 Auctioneers and Agents
130.1925 Barbers and Beauty Shop Operators
130.1930 Blacksmiths
130.1935 Chiropractists, Osteopaths and Chiropractors
130.1940 Computer Software
130.1945 Construction Contractors and Real Estate Developers
130.1950 Co-operative Associations
130.1951 Dentists
130.1955 Enterprise Zones
130.1960 Sales of Building Materials to a High Impact Business
130.1965 Farm Chemicals
130.1970 Finance Companies and Other Lending Agencies - Installment Contracts - Repossessions
130.1975 Florists and Nurserymen
130.1980 Hatcheries
130.1985 Operators of Games of Chance and Their Suppliers
130.1990 Optometrists and Opticians
130.1995 Pawnbrokers
130.2000 Peddlers, Hawkers and Itinerant Vendors
130.2005 Personalizing Tangible Personal Property
130.2010 Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers
130.2015 Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons
130.2020 Sales by Teacher-Sponsored Student Organizations
130.2025 Exemption Identification Numbers
130.2030 Sales by Nonprofit Service Enterprises
130.2035 Persons Who Rent or Lease the Use of Tangible Personal Property to Others
130.2040 Persons Who Repair or Otherwise Service Tangible Personal Property
130.2045 Physicians and Surgeons
130.2050 Picture-Framers
130.2055 Public Amusement Places
130.2060 Registered Pharmacists and Druggists
130.2065 Retailers of Clothing
130.2070 Retailers on Premises of the Illinois State Fair, County Fairs, Art Shows, Flea Markets and the Like
130.2075 Sales and Gifts By Employers to Employees
130.2080 Sales by Governmental Bodies
130.2085 Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
130.2090 Sales of Automobiles for Use in Demonstration
130.2095 Sales of Containers, Wrapping and Packing Materials and Related Products
130.2100 Sales To Construction Contractors, Real Estate Developers and Speculative Builders
130.2105 Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel

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- 130.2085 Sales to or by Banks, Savings and Loan Associations and Credit Unions
- 130.2090 Sales to Railroad Companies
- 130.2095 Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
- 130.2100 Sellers of Feeds and Breeding Livestock
- 130.2105 Sellers of Newspapers, Magazines, Books, Sheet Music and Phonograph Records and Their Suppliers
- 130.2110 Records of Seeds and Fertilizer
- 130.2115 Sellers of Machinery, Tools and the Like
- 130.2120 Suppliers of Persons Engaged in Service Occupations and Professions
- 130.2125 Trading Stamps and Discount Coupons
- 130.2130 Undertakers and Funeral Directors
- 130.2135 Vending Machines
- 130.2140 Vendors of Curtains, Slip Covers, Floor Covering and Other Similar Items Made to Order
- 130.2145 Vendors of Meals
- 130.2150 Vendors of Memorial Stones and Monuments
- 130.2155 Vendors of Signs
- 130.2156 Vendors of Steam
- 130.2160 Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.
- 130.2165 Veterinarians
- 130.2170 Warehousemen

ILLUSTRATION A: Examples of Tax Exemption Cards

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 39b3 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b3].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11

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111. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. _____, effective _____.

SUBPART A: NATURE OF TAX

Section 130.120 Nontaxable Transactions

The tax does not apply to receipts from sales:

- of intangible personal property, such as shares of stocks, bonds, evidences of interest in property, corporate or other franchises and evidences of debt;
- of real property, such as lands and buildings that are permanently attached to the land;
- of tangible personal property for purposes of resale in any form as tangible personal property, provided that the purchaser (except in the case of an out-of-State purchaser who will always resell and deliver the property to his customers outside Illinois) has an active registration number or active resale number from the Department and gives such number to the vendor in connection with certifying to the vendor that the sale to such purchaser is nontaxable on the ground of being a sale for resale (see Subparts B and N of this Part);
- of personal services, where rendered as such (see various rules relating to particular service occupations); however, for information concerning the tax on persons engaged in the business of making sales of service, see the Regulations pertaining to the Service Occupation

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- Tax Act (86 Ill. Adm. Code 140):
- e) which are within the protection of the Commerce Clause of the Constitution of the United States (see Subpart F of this Part);
 - f) which are isolated or occasional (see Section 130.110 of this Subpart);
 - g) of newspapers and magazines (see Section 130.2105 of this Part);
 - h) which are made to any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes, or any not-for-profit corporation, society, association, foundation, institution or organization which has no compensated officers or employees and which is organized and operated primarily for the recreation of persons 55 years of age or older (see Section 130.2005 of this Part);
 - i) which are made to any governmental body (see Section 130.2080 of this Part);
 - j) of pollution control facilities (see Section 130.335 of this Part);
 - k) of fuel consumed or used in the operation of ships, barges or vessels which are used primarily in or for the transportation of property or the conveyance of persons for hire on rivers bordering on this State if such fuel is delivered by the seller to the purchaser's barge, ship or vessel while it is afloat upon such bordering river (see Section 130.315 of this Part);
 - l) of tangible personal property to interstate carriers for hire for use as rolling stock moving in interstate commerce (see Section 130.340 of this Part);
 - m) of a motor vehicle in this State to a nonresident even though such motor vehicle is delivered to such nonresident in this State, if such motor vehicle is not to be titled in this State, and if a driveway decal permit is issued to such motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code [625 ILCS 5/3-603], or if the nonresident purchaser has vehicle registration plates to transfer to the motor vehicle upon returning to his home state;
 - n) of merchandise in bulk when sold from a vending machine for 1¢ (see Section 130.2135 of this Part);
 - o) of food and beverages by a person who is the recipient of a grant or contract under Title VII of the Older Americans Act of 1965 (Title 42, USC 3021) and serves meals to participants in the Federal Nutrition Program for the Elderly in return for contributions established in amount by the individual participant pursuant to a schedule of suggested fees as provided for in the Federal Act;
 - p) of farm chemicals (see Section 130.1955 of this Part);
 - q) of manufacturing machinery and equipment that qualifies for exemption under provisions of Section 130.330 of this Part;
 - r) of services included in gross receipts for purposes of the Retailers' Occupation Tax and which are designated mandatory service charges by vendors of meals provided that all of the proceeds of the service charge are in fact turned over to the employees who would normally have received tips had the service charge policy not been introduced.

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- Service charges which are used to fund or pay wages, labor costs, employee benefits or employer costs of doing business are taxable gross receipts;
- s) of any petroleum product, if the seller is prohibited by federal law from charging tax to the purchaser.
 - 1) For example, federal law prohibits sellers from charging tax to Amtrak when it purchases petroleum products. However, federal law does not relieve the seller of Retailers' Occupation Tax liability in these transactions. For that reason, the exemption set out in this subsection is necessary to relieve the seller of Retailers' Occupation Tax liability when making sales of petroleum products to Amtrak.
 - 2) The nontaxable transaction set out above is also applicable to Local Retailers' Occupation Taxes imposed by municipalities, counties, the Regional Transportation Authority and Metro East Mass Transit District;
 - t) of farm machinery and equipment, both new and used including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture, or state or federal agricultural programs, including individual replacement parts for the machinery and equipment and including machinery and equipment purchased for lease (see Section 130.305);
 - u) of distillation machinery and equipment, sold as a unit or kit, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as a motor fuel or as a component of motor fuel for personal use of the user and not subject to sale or resale;
 - v) of graphic arts machinery and equipment, including repair and replacement parts (see Section 130.325);
 - w) a motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through access to the living quarters from the driver's seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code that is used for automobile renting as defined in the Automobile Renting Occupation and Use Tax Act;
 - x) of personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois (see Section 130.2006);
 - y) of that portion of the selling price of a passenger car, the sale of which is subject to the replacement vehicle tax of the Illinois Vehicle Code [625 ILCS 5/3-2001];
 - z) of personal property sold to an Illinois County Fair Association for use in conducting, operating or promoting the County Fair;
 - aa) of personal property sold to any not-for-profit music or dramatic arts

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organization that establishes that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code (26 U.S.C.A. 501) and that is organized and operated for the presentation of live public performances of musical or theatrical works on a regular basis;

bb) of personal property sold by a corporation, society, association, foundation, institution or organization that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise (see Section 130.2008);

cc) of legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America or the government of any foreign country and bullion;

dd) of oil field exploration, drilling and production equipment costing \$250 or more (see Section 130.345);

ee) of photoprocessing machinery and equipment, including repair and replacement parts (see Section 130.2000);

ff) of coal exploration, mining, off highway hauling, processing, maintenance and reclamation equipment costing \$250 or more, including replacement parts and equipment costing \$250 or more (see Section 130.350);

gg) of fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment or storage in the conduct of its business as an air common carrier, for a flight destined for destination outside the United States (Section 2-5 of the Act) (see Section 130.321);

hh) of semen used for artificial insemination of livestock for direct agricultural production. Exemption certifications must be executed by the purchaser. The certificate must include the seller's name and address, the purchaser's name and address, the purchaser's registration number with the Department, the purchaser's signature and date of signing and a statement that the semen purchased will be used for artificial insemination of livestock for direct agricultural production. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit;

ii) beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, of personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area. Exemption certifications must be executed by the purchaser. The certificate must include the seller's name and address, the purchaser's name and address, the purchaser's registration number with the Department, if applicable, the purchaser's signature and the date of signing, a description of

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the items being purchased for donation, a statement that the property purchased will be donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area, and that entity's sales tax exemption identification number. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit; and

jj) beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, of personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within six months after the disaster. Exemption certifications must be executed by the purchaser. The certificate must include the seller's name and address, the purchaser's name and address, the purchaser's registration number with the Department, if applicable, the purchaser's signature and date of signing, a description of the items being purchased, and a statement that the property purchased is for use in the performance of infrastructure repairs initiated on facilities located in the declared disaster area within six months after the disaster in this State resulting from a State or federally declared disaster area in Illinois or bordering Illinois. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit. The exemption for tangible personal property that is used in the performance of infrastructure repairs under the provisions of this Section shall last only as long as the tangible personal property continues to be used to make infrastructure repairs. When such tangible personal property is used in a non-exempt manner, the purchaser is liable for the appropriate tax imposed under the Use Tax Act or the Service Use Tax Act. In that event, the amount of Use Tax or Service Use Tax liability incurred is based on the depreciated value of the tangible personal property determined by use of the straight-line method of depreciation at the time the non-qualifying use occurred. For example, building materials, such as bricks, cement, and sheet metal, permanently affixed to real estate as part of a qualifying infrastructure repair are continually used in a qualifying manner. However, the purchaser of equipment, such as a bulldozer, used in an exempt manner for only one month would incur a tax liability based on the depreciated value of the equipment at the time the equipment is no

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longer being used in an exempt manner.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Service Occupation Tax

2) Code Citation: 86 Ill. Adm. Code 140

3) Section Numbers: Proposed Action:
140.125 Amendment

4) Statutory Authority: 35 ILCS 115

5) A Complete Description of the Subjects and Issues Involved: Amends the Service Occupation Tax Act by providing that the exemption for tangible personal property that is used in the performance of infrastructure repairs, which are the result of a State or federally-declared disaster in this State, shall last only as long as the tangible personal property continues to be used to make infrastructure repairs, and when such tangible personal property is used in a non-exempt manner, the purchaser is liable for the appropriate tax imposed under the Use Tax Act or the Service Use Tax Act. In that event, such amount of Use Tax or Service Use Tax liability incurred is based on the depreciated value of the tangible personal property determined by use of the straight-line method of depreciation at the time the non-qualifying use occurred.

6) Will this proposed rule replace an emergency rule currently in effect: No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part: No

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State Mandate, nor does it modify any existing State Mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Gina Roccaforte
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, IL 62794
(217) 782-6996

12) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not for profit corporations affected: Businesses making infrastructure repairs that are the result of a State or federally-declared disaster in Illinois.
- B) Reporting, bookkeeping or other procedures required for compliance:
Minimal
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rule was summarized: July 1996

The full text of the Proposed Amendment(s) begins on the next page:

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 140

SERVICE OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section	
140.101	Basis and Rate of the Service Occupation Tax
140.105	Registration of Servicemen
140.110	Presumption that Tax Applies (Repealed)
140.115	Occasional Sales to Servicemen by Suppliers (Repealed)
140.120	Meaning of Serviceman
140.125	Examples of Nontaxability
140.126	Exemption of Food, Drugs and Medical Appliances
140.130	Suppliers of Printers (Repealed)
140.135	Sales of Drugs and Related Items, to or by Pharmacists
140.140	Other Examples of Taxable Transactions
140.145	Multi-Service Situations

SUBPART B: DEFINITIONS

Section
140.201

General Definitions

SUBPART C: BASE OF THE TAX

Section
140.301
140.305

Cost Price
Refunds by Supplier or Serviceman

SUBPART D: TAX RETURNS

Section
140.401
140.405
140.410
140.415
140.420
140.425

Monthly Returns When Due -- Contents of Returns
Annual Tax Returns
Final Return
Taxpayer's Duty to Obtain Form
Annual Information Returns by Servicemen
Filing of Returns for Serviceman "Suppliers" by their Suppliers
Under Certain Circumstances
Incorporation by Reference

140.430

SUBPART E: INTERSTATE COMMERCE

Section
140.501

Sales of Service Involving Property Originating in Illinois

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140.505 Sales of Service Involving Property Originating Outside of Illinois (Repealed)

SUBPART F: REGISTRATION UNDER THE SERVICE OCCUPATION TAX ACT

Section
140.601 General Information

SUBPART G: BOOKS AND RECORDS

Section
140.701 Requirements

SUBPART H: PENALTIES, INTEREST AND PROCEDURES

Section
140.801 General Information

SUBPART I: WHEN OPINIONS FROM THE DEPARTMENT ARE BINDING

Section
140.901 Written Opinions

SUBPART J: COLLECTION OF THE TAX

Section
140.1001 Payment of Tax to the Supplier
140.1005 Receipt to be Obtained for Tax Payments
140.1010 Payment of Tax Directly to the Department
140.1015 Itemization of the Tax by Suppliers
140.1020 Use of Bracket Chart
140.1025 Advertising in Regard to the Tax

SUBPART K: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING --- MEANING OF DUE DATE WHICH FALLS ON SATURDAY, SUNDAY OR A HOLIDAY

Section
140.1101 Filing of Documents with the Department

SUBPART L: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section
140.1201 When Lessee of Premises May File Return for Leased Department
140.1205 When Lessor of Premises Should File Return for Leased Department
140.1210 Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART M: USE OF EXEMPTION CERTIFICATES

Section

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140.1301 When Purpose of Serviceman's Purchase is Known (Repealed)
140.1305 When Purpose of Serviceman's Purchase is Unknown
140.1310 Blanket Percentage Exemption Certificates (Repealed)

SUBPART N: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section
140.1401 Claims for Credit -- Limitations -- Procedure
140.1405 Disposition of Credit Memoranda by Holders Thereof
140.1410 Refunds
140.1415 Interest

SUBPART O: DISCONTINUATION OF A BUSINESS

Section
140.1501 Procedures

SUBPART P: NOTICE OF SALES OF GOODS IN BULK

Section
140.1601 Requirements and Procedures

SUBPART Q: POWER OF ATTORNEY

Section
140.1701 General Information

AUTHORITY: Implementing the Service Occupation Tax Act [35 ILCS 115] and authorized by Section 39b30 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b30].

SOURCE: Adopted May 21, 1962; amended at 3 Ill. Reg. 23, p. 161, effective June 3, 1979; amended at 3 Ill. Reg. 44, p. 198, effective October 19, 1979; amended at 4 Ill. Reg. 24, pp. 526, 536 and 550, effective June 1, 1980; amended at 5 Ill. Reg. 822, effective January 2, 1981; amended at 6 Ill. Reg. 2879, 2883, 2886, 2892, 2895 and 2897, effective March 3, 1982; codified at 6 Ill. Reg. 9326; amended at 9 Ill. Reg. 7941, effective May 14, 1985; amended at 11 Ill. Reg. 14090, effective August 11, 1987; emergency amendment at 12 Ill. Reg. 14419, effective September 1, 1988, for a maximum of 150 days; emergency expired January 29, 1989; amended at 13 Ill. Reg. 9388, effective June 6, 1989; amended at 14 Ill. Reg. 262, effective January 1, 1990; amended at 14 Ill. Reg. 15480, effective September 10, 1990; amended at 15 Ill. Reg. 5834, effective April 5, 1991; amended at 18 Ill. Reg. 1550, effective January 13, 1994; amended at 20 Ill. Reg. 5379, effective March 26, 1996; amended at 20 Ill. Reg. 7008, effective May 7, 1996; amended at 20 Ill. Reg. _____, effective _____.

SUBPART A: NATURE OF TAX

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Section 140.125 Examples of Nontaxability

The tax does not apply to:

- a) sales of intangible personal property;
- b) sales of real property;
- c) sales of personal services as such;
- d) sales of tangible personal property which come within the protection of the Commerce Clause of the Constitution of the United States (see Subpart E of this Part);
- e) purchases of tangible personal property where the serviceman gives a valid exemption certificate to his supplier;
- f) the retail selling of tangible personal property which is taxable under the Retailers' Occupation Tax Act [35 ILCS 120] or the Use Tax Act [35 ILCS 105];
- g) a sale of tangible personal property for the purpose of resale apart from the purchaser's engaging in a service occupation;
- h) sales of tangible personal property as an incident to sales of service:
 - 1) to or by any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes (Section 2 of the Act);
 - 2) to or by any corporation, society, association, foundation or institution operated primarily for the recreation of persons aged 55 years or older which has no compensated officers or employees;
 - 3) to or by any governmental body (Section 2 of the Act);
 - 4) by any corporation, society, association, foundation or institution organized and operated as a not-for-profit service enterprise for the benefit of persons aged 65 years of age or older, only to the extent of purchases of personal property not purchased by the enterprise for the purpose of resale by the enterprise (Section 2 of the Act);
 - 5) to a not-for-profit Illinois county fair association for use in conducting, operating or promoting the county fair (Section 2 of the Act);
 - 6) to any not-for-profit music or dramatic arts organization which has received an exemption under Section 501(c)(3) of the Internal Revenue Code and which is organized and operated for the presentation of live public performances of musical or theatrical works on a regular basis (Section 2 of the Act);
 - 7) In order to qualify for exemption, all the above listed organizations must have been issued an active exemption identification number by the Department;
 - i) the sale, employment and transfer of such tangible personal property as newsprint and ink for physical incorporation into newspapers or magazines;
 - j) the incorporation of tangible personal property into real estate by a construction contractor, which activity constitutes a taxable "use" under the Retailers' Occupation Tax Act and the Use Tax Act, rather

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- k) than the carrying on of a service occupation; the sale, employment and transfer, as an incident to a sale of service, of such tangible personal property as pollution control facilities and low sulphur dioxide coal fueled devices;
- l) sales of stock tonics, serums and other medicinal products to veterinarians for retransfer as an incident to service in caring for farm animals;
- m) sales of sprays and farm chemicals as an incident to service by persons engaged in the service occupation of spraying crops or applying farm chemicals for others;
- n) sale of either new or used farm machinery, equipment or replacement parts transferred as an incident to a sale of service for use in production agriculture or for use in state or federal agricultural programs;
- o) a sale or transfer of machinery and equipment used primarily in the process of manufacturing or assembling, either in an existing, an expanded or a new manufacturing facility, of tangible personal property for wholesale or retail sale or lease, whether such sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether such sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges or similar items of no commercial value on special order for a particular purchaser, when the machinery or equipment is produced by the seller thereof for the manufacturer or the manufacturer's lessor on special order in such a way as to have made the applicable tax a service occupation tax or service use tax, rather than retailers' occupation tax or use tax. (Section 2 of the Act) The transfer of standard or stock parts in the repair of qualifying exempt manufacturing machinery and equipment is not exempt;
- p) a sale or transfer of graphic arts machinery and equipment, including repair and replacement parts used primarily for graphic arts production by means of printing or other processes or defined in Major Group 27 of the U.S. Standard Industrial Classification Manual (Section 2 of the Act);
- q) sales of oil field exploration, drilling and production equipment and individual replacement parts costing the purchaser \$250 or more;
- r) sales of coal exploration, mining, off highway hauling, processing, maintenance and reclamation equipment and repair parts costing the purchaser \$250 or more;
- s) a sale or transfer of tangible personal property as an incident to the rendering of service for interstate carriers for hire for use as rolling stock moving in interstate commerce or lessors under leases of one year or longer, executed or in effect at the time of purchase, to interstate carriers for hire for use as rolling stock moving in interstate commerce (Section 2 of the Act);
- t) a sale or transfer of tangible personal property as an incident to the

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State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area. Exemption certifications must be executed by the purchaser. The certificate must include the seller's name and address, the purchaser's name and address, the purchaser's registration number with the Department, if applicable, the purchaser's signature and date of signing, a description of the items being purchased for donation, and a statement that the property purchased will be donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area, and that entity's sales tax exemption identification number. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit;

aa) beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, sales of personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within six months after the disaster. Exemption certifications must be executed by the purchaser. The certificate must include the seller's name and address, the purchaser's name and address, the purchaser's registration number with the Department, if applicable, the purchaser's signature and date of signing, a description of the items being purchased, and a statement that the property purchased is for use in the performance of infrastructure repairs initiated on facilities located in the declared disaster area within six months after the disaster in this State resulting from a State or federally declared disaster area in Illinois or bordering Illinois. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit. The exemption for tangible personal property that is used in the performance of infrastructure repairs under the provisions of this Section shall last only as long as the tangible personal property continues to be used to make infrastructure repairs, and when such tangible personal property is used in a manner that does not qualify for the exemption or in any other non-exempt manner, the purchaser is liable for the appropriate tax imposed under the use Tax Act or the Service Use Tax Act. In that event, the amount of Use Tax or Service Use Tax liability incurred is

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rendering of service for owners, lessors or shippers of tangible personal property which is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce (Section 2 of the Act);

u) *the sale or transfer of distillation machinery and equipment, sold as a unit or kit and assembled or installed by the retailer, which machinery and equipment is certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of such user and not subject to sale or resale (Section 2 of the Act);*

v) *sales by teacher-sponsored student organizations affiliated with Illinois elementary and secondary schools;*

w) *sales of legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States or any foreign country and bullion, which shall mean gold, silver or platinum in a bulk state with a purity of not less than 980 parts per 1,000. In no circumstance shall items sold as jewelry or mounted for wear as jewelry qualify for this exemption.*

x) *sales of modified or custom software are exempt. Sales of canned software in a service transaction would be subject to tax; Computer software means all types of software including operational, application, utilities, compilers, templates, shells and all other forms. Software is considered to be tangible personal property regardless of the form in which it is transferred or transmitted, including tape, disc, card, electronic means or other media. The sale at retail or transfer of canned software intended for general or repeated use is taxable, including the sale of software which is subject to manufacturer licenses restricting the use or reproduction of the software. Tax applies to the entire charge made to the customer, including charges for all associated documentation and materials. Charges for updates and maintenance of software are considered to be sales of software. Charges for training, telephone assistance, installation and consultation are exempt if they are separately stated from the selling price of software;*

y) *sales of semen used for artificial insemination of livestock for direct agricultural production. Exemption certifications must be executed by the purchaser. The certificate must include the seller's name and address, the purchaser's name and address, the purchaser's registration number with the Department, the purchaser's signature and date of signing, and a statement that the semen purchased will be used for artificial insemination of livestock for direct agricultural production. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit;*

z) *beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, sales of personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this*

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based on the depreciated value of the tangible personal property determined by use of the straight-line method of depreciation at the time non-qualifying use occurred. For example, building materials, such as bricks, cement, and sheet metal, permanently affixed to real estate as part of a qualifying infrastructure repair are continually used in a qualifying manner. However, the purchaser of equipment, such as a bulldozer, used in an exempt manner for only one month would incur a tax liability based on the depreciated value of the equipment at the time the equipment is no longer being used in an exempt manner.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Regulations Under Illinois Securities Law of 1953
- 2) Code Citation: 14 Ill. Adm. Code 130
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
130.100	Amend
130.110	Amend
130.130	Amend
130.135	New
130.141	Amend
130.142	Amend
130.190	Amend
130.200	Amend
130.210	Amend
130.211	New
130.220	Amend
130.370	Repeal
130.420	New
130.441	Amend
130.510	Amend
130.525	New
130.538	Amend
130.540	Amend
130.610	Amend
130.710	Amend
130.810	Amend
130.811	Repeal
130.820	Amend
130.822	Amend
130.825	Amend
130.829	Amend
130.840	Amend
- 4) Statutory Authority: 815 ILCS 5
- 5) Effective Date of Rulemaking: October 21, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: October 22, 1996
- 9) Notice of Proposal Published in Illinois Register: July 26, 1996, 20 Ill. Reg. 9855
- 10) Has JCAR issued a Statement of Objections to these rules? No

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NOTICE OF ADOPTED AMENDMENTS

- 11) Difference(s) between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking:
- Section 130.100 - Amended to reflect the current addresses of the Chicago and Springfield officers of the Securities Department.
- Section 130.110 - Amended to decrease fees, increase one fee and clarify the amount of the payment of fees.
- Section 130.130 - Amended to exclude an additional Section of the Act due to an amendment to the Act.
- Section 130.135 - Added to recognize the electronic registration and renewal of investment company products.
- Section 130.141 - Amended to identify the documents.
- Section 130.142 - Amended to identify the exhibits.
- Section 130.190 - Amended to correct language and make it gender neutral.
- Section 130.200 - Amended to provide for the current citation of the Illinois Securities Law of 1953, clarify the definitions of controlling person and persons, added the definition of SRD (Securities Registration Depository) and nonaccredited investors and make technical changes.
- Section 130.210 - Amended to add Section 2.5 of the Act and make technical changes.
- Section 130.211 - Added to clarify the term "offer" as it relates to the Internet.
- Section 130.220 - Amended to clarify the term "regularly engaged in securities sales activities."

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- Section 130.370 - Repealed due to an amendment to the Act, which mandates this provision by statute.
- Section 130.420 - Added to provide an exemption under Section 4.D of the Act.
- Section 130.441 - Amended to simplify the language and eliminate the requirement that a person be in existence for at least nine months.
- Section 130.510 - Amended to delete the consent to service filing requirement, provide for electronic filings and to simplify filing requirements.
- Section 130.525 - Added to provide for a uniform filing procedure for certain small issuers.
- Section 130.538 - Amended to simplify and clarify the language.
- Section 130.540 - Amended to correct language and clarify who presides at a hearing.
- Section 130.610 - Amended to delete the consent to service filing requirement, provide for electronic filings and to simplify filing requirements.
- Section 130.710 - Amended to delete the consent to service filing requirement, provide for electronic filings and to simplify filing requirements.
- Section 130.810 - Amended to delete the consent to service filing requirement, delete Illinois form disclosing prior activity, delete certificate requirements and to simplify filing requirements.
- Section 130.811 - Repealed as Section 130.805 makes the exemption self-executing.
- Section 130.820 - Amended to conform to the Act, as amended.
- Section 130.822 - Amended to recognize the Series 66 Examination.
- Section 130.825 - Amended to correct a typographical error and formalize an office position.
- Section 130.829 - Amended to delete unnecessary language.
- Section 130.840 - Amended to delete certificate requirement.

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- 16) Information and questions regarding these adopted amendments shall be directed to:

Michael A. Chizmar
Assistant Director for Registration
Illinois Securities Department
Lincoln Tower, Suite 200
520 South Second Street
(217) 785-4930

The full text of the Adopted Amendment begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATE

PART 130

REGULATIONS UNDER ILLINOIS SECURITIES LAW OF 1953

SUBPART A: RULES OF GENERAL APPLICATION

Section
130.100
130.101
130.110
130.120
130.130
130.135

130.140
130.141
130.142
130.143
130.144
130.145
130.190

Business Hours of the Securities Department
Computation of Time
Payment of Fees
Place of Filing
Date of Filing
Registration of Securities under Section 5 or 7 of the Act Utilizing the SRD
Requirements as to Proper Form
Additional Information
Additional Exhibits
Information Unknown or Not Reasonably Available
Requirements as to Paper, Printing, and Language
Number of Copies--Signatures
Provisions for Granting of Variance from Rules

SUBPART B: DEFINITIONS

Section
133.200
130.201

130.202

130.205

130.210

130.211

130.215

130.216

130.220

Definitions of Terms Used in the Act and the Rules
Definition of the Term "Investment Contract", as Used in Section 2.1 of the Act
Definition of the Term "Fractional Undivided Interest", as Used in Section 2.1 of the Act with Reference to Oil and/or Gas Leases, Rights or Royalties
Definition of the Term "Issuer" as Used in Section 2.2 of the Act as Applied to Fractional Interests in Oil, Gas and Other Mineral Leases, Rights or Royalties
Definition of Acts Not Constituting a "Sale" or "Offer" as Used in Section 2.5 or 2.5a of the Act
Definition of Acts Not Constituting an "Offer" of Securities under Section 5, 6 or 7 of the Act
Definition of "Commission From an Underwriter or Dealer Not in Excess of the Usual and Customary Distributors' or Sellers' Commissions", as Used in Section 2.6 of the Act for Certain Transactions
Definition of "Participates" and "Participation", as Used in Section 2.6 of the Act in Relation to Certain Transactions
Definition of "Regularly Engaged in Securities Sales Activities", as

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Used in Section 2.9 of the Act

130.221 Exclusion of Certain Persons from the Definition of Investment Adviser in Section 2.11 of the Act

130.225 Definition of "Investment Fund Shares", as Used in Section 2.15 of the Act in Relation to Certain Issuers

130.233 Definition of the Phrase "Promissory Note or Draft, Bill of Exchange or Bankers' Acceptance" as Used in Section 3(L) of the Act

130.234 Definition, For Certain Purposes, of the Terms "Employee Security-Purchase Plan", "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.N and Section 3.O of the Act

130.235 Definition, For Certain Purposes, of the Terms "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.O of the Act

130.241 Definition of the Term "Institutional Investor" under Sections 4C and 4D of the Act

130.242 Definition of the Term "Financial Institution" under Sections 4C and 4D of the Act

130.244 Definition of "Issuer Required to File Reports Pursuant to the Provisions of Section 13 or Section 15(d) of the Federal 1934 Act" with Respect to Certain Foreign Private Issuers and "Reports Required to be Filed at Regular Intervals Pursuant to the Provisions of Section 13 or Section 15(d)" as Used in Section 4(F)(1) of the Act

130.245 Definition of the Terms "Balance Sheet" and "Income Statement", as Used in Section 4.F of the Act

130.246 Definition of the Terms "Residents of this State", "Aggregate Sales Price" and "Sales Made in Reliance Upon the Exemption" Under Section 4(G) of the Act and "General Advertising or General Solicitation" Under Sections 4(G), 4(H), 4(M) and 4(R) of the Act

130.247 Definition of the Term "Public" as Used in Section 4(G)(4) of the Act

130.248 Definition of the Terms "Offers for Sale" and "Solicitations of Offers to Buy", as Used in Section 4.I of the Act

130.250 Definition, For Certain Purposes, of the Terms "Commissions, Remuneration or Discounts", as Used in Section 4 and Section 5 of the Act

130.251 Definition of the Term "Maximum Aggregate Price", as Used in Section 5 of the Act

130.270 Definition of Certain Persons Not Considered to Be Dealers Under Section 2.7 of the Act

130.280 Definition of the Term "Branch Office", as Used in Section 8 of the Act

130.282 Definition, For Certain Purposes, of the Term "Officers", as Used in Section 2.9 and Section 8.B.(6) of the Act

130.285 Definition, For Certain Purposes, of the Terms "Inequitable", "Tend to Work a Fraud or Deceit", "Inequitable Practice in the Sale of Securities", and "Fraudulent Business Practices", as Used in Section

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130.291 8 and Section 11 of the Act

Definition of the Terms "Fraudulent" and "Work or Tend to Work a Fraud or Deceit" as Used in Sections 11.E and 12.F of the Act for Purposes of the Payment of Completion Costs in Connection with the Offer or Sale of Securities Involving an Oil, Gas or Other Mineral Lease, Right or Royalty

SUBPART C: EXEMPT SECURITIES

Automated Quotation System Deemed to Have Substantially Equivalent Standards for Designation as Required By One or More Exchanges Set Forth in Section 3(G) of the Act (Repealed)

Section 130.370

SUBPART D: EXEMPT TRANSACTIONS

Uniform Limited Offering Exemption Pursuant to Section 4.D of the Act

Section 130.420

130.436 Procedures for Applying for Trading Authorization Pursuant to Section 4(F)(2) of the Act

130.440 Procedures for Filing Reports of Sale under Section 4(G) of the Act

130.441 Calculation of Number of Persons Under Section 4.G 4(F) or 4.M 4(W) of the Act

130.442 Report of Sale of Securities pursuant to Section 4(G) of the Act

130.490 Procedures for Filing Reports of Sale under Section 4.P of the Act

130.491 Report of Sale of Securities Pursuant to Section 4(P) of the Act

SUBPART E: REGISTRATION OF SECURITIES

Title of Securities

130.501 Financial Statement Requirements

130.502 Disclaimer of Control

130.503 Formal Requirements as to Consents

130.505 Consents Required in Special Cases

130.507 Application to Dispense with Consent

130.508 Consent to Use of Material Incorporated by Reference

130.510 Procedures for Registration of Securities by Coordination under Section 5.A 5(A) of the Act

130.520 Procedures for Registration of Securities by Qualification under Section 5.E 5(E) of the Act

130.525 Procedures for Registration of Securities by Qualification under Section 5.B(7) of the Act, Small Company Offering Registration ("SCOR") on Form U-7

130.530 Renewal of Registration of Securities Under Section 5(E) of the Act

130.531 Computation of Fees

130.532 Registration of Additional Securities Pursuant to Section 5(C)(2) of

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the Act

130.533 Formal Requirements for Amendments Under Section 5 of the Act

130.534 Powers to Amend or Withdraw Registration Statement

130.535 Signatures of Amendments

130.536 Delaying Amendments

130.538 Withdrawal of Registration Statement, ~~or~~ Amendment or Exhibit Filed Under the Federal 1933 Act.

130.540 Procedure with Respect to Abandoning ~~Abandoned~~ Registration Statements, Applications for Trading Authorizations and Post-Effective Amendments

130.550 Additional Fees Under Section 5 of the Act

130.570 Legibility of Prospectuses

130.571 Presentation of Information in Prospectuses

130.572 Summaries or Outlines of Documents

130.573 Preparation of Application for Registration

130.574 Incorporation of Certain Information by Reference

130.575 Form of and Limitation Upon Incorporation by Reference

130.576 Statement Required in Prospectuses

130.577 Prospectuses Supplementing Preliminary Material Supplied Previously

130.578 Application of Amendments to this Part Governing Contents of Prospectuses

130.581 Statement as to Stabilizing Required in Prospectuses Filed Under Section 5.B of the Act

130.582 Contents of Prospectus When Two or More Registrations Are in Effect Under Section 5.B of the Act

130.590 Identifying Statements

130.591 Requirements as to Appraisals

130.592 Omission of Substantially Identical Documents

130.593 Incorporation of Exhibits by Reference

SUBPART F: FACE AMOUNT CERTIFICATE CONTRACTS

Section

130.600 Preamble

130.610 Procedures for Registration of Face Amount Certificate Contracts by Coordination under Section 6.A 6(A) of the Act

130.630 Renewal of Registration of Face Amount Certificate Contracts Under Section 6(F) of the Act

130.650 Additional Fees Under Section 6 of the Act

SUBPART G: INVESTMENT FUND SHARES

Section

130.700 Preamble

130.701 Title of Investment Fund Shares Registered Under Section Sections 5 or 7 of the Act

130.710 Procedures for Registration of Investment Fund Shares by Coordination under Section 7.A 7(A) of the Act

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130.715 Amendatory Statement for the Registration of Additional Class or Classes or the Reporting of a Change in Organization or Operations Pursuant to Section 7(D) of the Act

130.730 Renewal of Registration of Investment Fund Shares Under Section 7(G) of the Act

130.750 Additional Fees Under Section 7 of the Act

130.771 Acts Which "Work or Tend to Work a Fraud or Deceit", in Connection with Offers, Sales or Dispositions of Investment Fund Shares

SUBPART H: REGISTRATION OF DEALERS, SALESPERSONS AND INVESTMENT ADVISERS

Section

130.805 Exemptions From Registration as an Investment Adviser Under Section 8(A) of the Act

130.810 Procedures for Registration as a Dealer Under Section 8.B 8(B) of the Act

130.811 Procedures for Perfecting an Investment Adviser Exemption under Section 2.11(6) of the Act (Repealed)

130.820 Procedure for Renewal and Withdrawal from Registration as a Dealer

130.821 Reporting of Dealer Branch Office Location(s) and Required Fees

130.822 Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge of Each Principal Under Section 8.B(9)(a) 8(B)(9)(a) of the Act Prior to Registration as a Dealer

130.823 Procedure for Requesting Waiver of Dealer, Salesperson or Investment Adviser Examination Requirements

130.824 Financial Statements to be Filed by a Registered Dealer

130.825 Records Required of Dealers and Customer Fees

130.826 Registered Dealer Net Capital Requirement

130.827 Confirmations

130.828 Notice of Materially Adverse Financial Condition Required to Be Filed With the Securities Department By a Registered Dealer

130.829 Investor Protection Requirement of a Dealer Registered Under Section 8 of the Act

130.832 Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge Under Section 8(C)(7) of the Act for Registration as a Salesperson

130.840 Procedures for Registration as an Investment Adviser Under Section 8.D 8(D) of the Act

130.841 Reporting of Investment Adviser Branch Office Location(s) and Required Fees

130.842 Examinations and Education Programs Deemed Satisfactory for Purposes of Determining Sufficient Knowledge for Each Principal Under Section 8(D)(9) of the Act Prior to Registration as an Investment Adviser

130.844 Statement of Financial Condition to Be Filed By a Registered Investment Adviser Which Retains Custody of Client's Cash or Securities or Accepts Pre-Payment of Fees in Excess of \$500.00 Per Client and Six (6) or More Months in Advance and Interim Financial Statements

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130.845 Records Required of Investment Advisers
 130.846 Written Disclosure Statements of a Registered Investment Adviser
 130.847 Financial and Disciplinary Information That Investment Advisers Must Disclose to Clients
 130.850 Account Transactions
 130.851 Commission, Profit or Other Compensation
 130.852 Compensation
 130.853 Account Transactions
 130.854 Use of the Term "Investment Counsel"
 130.860 Additional Fees Under Section 8 of the Act
 130.872 Procedure with Respect to Abandoned Dealer Applications
 130.873 Procedure with Respect to Abandoned Investment Adviser Applications

SUBPART J: SERVICE OF PROCESS

Section
 130.1001 Service of Process upon the Secretary of State

SUBPART K: PROCEDURES FOR ADMINISTRATIVE HEARINGS

Section
 130.1100 Preamble
 130.1101 Qualifications and Duties of the Hearing Officer
 130.1102 Notice of Hearing
 130.1103 Institution of a Contested Case by the Securities Department
 130.1104 Requirement to File an Answer
 130.1105 Amendment or Withdrawal of the Notice of Hearing
 130.1106 Representation
 130.1107 Special Appearance
 130.1108 Substitution of Parties
 130.1109 Failure to Appear
 130.1110 Motions
 130.1111 Requirements Relating to Continuances
 130.1112 Rules of Evidence
 130.1113 Form of Papers
 130.1114 Bill of Particulars
 130.1115 Discovery
 130.1116 Examination of Witnesses
 130.1117 Subpoenas
 130.1118 Pre-Hearing Conferences
 130.1119 Record of a Pre-Hearing Conference
 130.1120 Hearings
 130.1121 Record of Proceedings
 130.1122 Record of Hearing
 130.1123 Orders
 130.1124 Burden of Proof
 130.1125 Stipulations
 130.1126 Open Hearings

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130.1127 Corrections to the Transcript
 130.1128 Imposition of Fines
 130.1129 Application for Hearing to Present Newly Discovered Evidence

SUBPART O: EVIDENTIARY MATTERS AND NON-BINDING STATEMENTS

Section
 130.1520 Request for Non-Binding Statements

SUBPART P: SAVINGS PROVISIONS

Section
 130.1661 Investors Syndicate of America, Inc.
 130.1662 State Bond and Mortgage Company

SUBPART Q: PUBLIC INFORMATION

Section
 130.1701 Inspection of Applications
 130.1702 Inspection of Dealer, Salesperson and Investment Adviser Records
 130.1703 Non-Public Distribution of Information

AUTHORITY: Implementing and authorized by the Illinois Securities Law of 1953 [815 ILCS 5].

SOURCE: Filed February 23, 1977, effective March 5, 1977; amended at 5 Ill. Reg. 9139, effective August 27, 1981; amended at 6 Ill. Reg. 6455, effective May 19, 1982; codified at 6 Ill. Reg. 12674; emergency amendment at 7 Ill. Reg. 17427, effective December 31, 1983, for a maximum of 150 days; emergency expired May 31, 1984; emergency amendment at 8 Ill. Reg. 1476, effective January 18, 1984, for a maximum of 150 days; emergency expired June 17, 1984; emergency repealer at 8 Ill. Reg. 3803, effective March 14, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13419, effective July 12, 1984; amended at 8 Ill. Reg. 13840, effective July 19, 1984; emergency amendment at 8 Ill. Reg. 13889, effective July 20, 1984, for a maximum of 150 days; emergency expired December 17, 1984; amended at 9 Ill. Reg. 208, effective December 20, 1984; emergency amendment at 10 Ill. Reg. 393, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 10753, effective June 3, 1986; recodified at 10 Ill. Reg. 19554; emergency amendment at 13 Ill. Reg. 11017, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 14 Ill. Reg. 884, effective December 30, 1989; amended at 14 Ill. Reg. 5188, effective March 26, 1990; emergency amendment at 15 Ill. Reg. 14303, effective November 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 6000, effective March 27, 1992; amended at 20 Ill. Reg. 14185, effective OCT 21 1996.

SUBPART A: RULES OF GENERAL APPLICATION

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Section 130.100 Business Hours of the Securities Department

- a) The principal office of the Securities Department at Lincoln Tower, Suite 200, 520 South Second Street 900-S~~2~~-Spring-Street, Springfield, Illinois 62701 62704, is open each day, except Saturdays, Sundays and holidays, from 8:00 a.m. to 4:30 p.m. Central Standard Time or Central Daylight Savings Time, whichever is currently in effect in Springfield.
- b) An office of the Securities Department at 17 North State Street, Suite 1100 1100 West-Randolph-Street--Room-426, Chicago, Illinois 60602-2903, 60601 is open each day, except Saturdays, Sundays and holidays, from 8:30 a.m. to 5:00 p.m. Central Standard Time or Central Daylight Savings Time, whichever is currently in effect in Chicago.

(Source: Amended at 20 Ill. Reg. **14185**, effective **OCT 21 1996**)

Section 130.110 Payment of Fees

- a) Fees under the Act are as follows:

Section 4(D) Filing Fee	\$100
Section 4(F)(2) Application Filing Fee	\$1,000
Section 4(G) Report of Sale Filing Fee	\$25-\$1,000*
Section 4(P) Offering Sheet Examination Fee Report of Sale Filing Fee	\$300 \$10-\$100*
Section 5(A) General Filing or Renewal Fee Filing or Renewal Fee for Shelf Offerings Filing or Renewal Fee for Series Issuers	\$500-\$2,500** \$500-\$6,000** \$500-\$3,000**
Section 5(B) General Examination Fee General Filing Fee Amendment Examination Fee	\$300 \$500-\$1,500** \$50 (If not filed under the Federal 1933 Act)
SCOR Examination Fee	\$150

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SCOR Filing Fee	\$250
SCOR Amendment Examination Fee	\$25

Section 5(C) General Oversale Filing Fee Oversale Filing Fee for Shelf Offerings Oversale Filing Fee for Series Issuers	\$500-\$1,000*** \$500-\$5,500*** \$500-\$2,500***
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Section 5(E) Additional fee for renewal of securities 9 business 6 days or less but prior to expiration of registration or renewal Additional fee after expiration of registration or renewal (not to exceed one year after the date of expiration of the most recent registration or renewal)	\$200 1st-30th day \$500 31st-60th day \$1,000 61st-90th day \$1,500 91st-120th day \$2,000 121st-150th day \$2,500 151st-180th day \$3,000 On or after 181st day \$5,000
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Section 5(H) Additional fee for the failure to file or file timely any required post-registration document Additional fee for the failure to file or file timely notice of SEC effectiveness for filings made on the third through tenth business day after SEC effectiveness Additional fee for the failure to file or file timely notice	\$50 \$100
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of SEC effectiveness
for filings made after
the tenth day after
SEC effectiveness

11th-30th day \$200
31st-60th day \$400
61st-90th day \$600
91st-120th day \$800
121st-150th day \$1,000
151st-180th day \$1,200
On or after the
181st day \$2,500

Section 6(A)

Filing
or Renewal Fee
Amendment Filing
Fee for Additional Series,
Types or Classes

\$1,000
\$100

Section 6(B)

Examination Fee
Filing or Renewal Fee
Amendment Examination Fee
Amendment Filing Fee
Additional Series, Types or
Classes
Transaction Charge
Annual Fee

\$300
\$1,000
\$50
\$100
\$10
1/30th of 1% of average of
quarterly computation of
aggregate principal amount
of securities on deposit

Section 6(F)

Additional fee for renewal
of securities 9 business
6 days or less but prior
to expiration of registration
or renewal
Additional fee after expiration
of registration or renewal
(not to exceed one year after
the date of expiration of the

\$200

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most recent
renewal)

registration or

1st-30th day \$500
31st-60th day \$1,000
61st-90th day \$1,500
91st-120th day \$2,000
121st-150th day \$2,500
151st-180th day \$3,000
On or after the
181st day \$5,000

Section 6(L)

Additional fee for the failure
to file or file timely any
required post-registration
document

\$50

Additional fee for the failure
to file or file timely notice
of SEC effectiveness for
filings made on the third
through tenth business day
after SEC effectiveness

\$100

Additional fee for the failure
to file or file timely notice
of SEC effectiveness
for filings made after
the tenth day after SEC
effectiveness

11th-30th day \$200
31st-60th day \$400
61st-90th day \$600
91st-120th day \$800
121st-150th day \$1,000
151st-180th day \$1,200
On or after the
181st day \$2,500

Section 7(A)

Filing or Renewal Fee

\$1,000 plus \$100

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for each series,
class or
portfolio

**Amendment-----Filing-----Fee-----for
Additional-Class-or-Classes**

\$100

Section 7(B)

Examination Fee

Filing or Renewal Fee

\$300
\$1,000, plus \$100
for each series,

class or portfolio

\$50

Amendment Examination Fee

Amendment-----Filing-----Fee-----for

Additional-Class-or-Classes

Renewal-Examination-Fee

\$100

\$200

Section 7(D)

Amendatory statement

\$100

Section 7(G)

Additional fee for renewal

of securities 9 business

days or less prior to

expiration of registration

or renewal

Additional fee after expiration

of registration or renewal

(not to exceed one year after

the date of expiration of the

most recent registration

or renewal)

1st-30th day \$500

31st-60th day

\$1,000

61st-90th day

\$1,500

91st-120th day

\$2,000

121st-150th day

\$2,500

151st-180th day

\$3,000

On or after the

181st day \$5,000

Section 7(J)

Additional fee for the failure

to file or file timely any

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required post-registration

document

\$50

Additional fee for the failure

to file or file timely notice

of SEC effectiveness for

filings made on the third

through tenth business day

after SEC effectiveness

Additional fee for the failure

to file or file timely notice

of SEC effectiveness

for filings made after the

tenth day after SEC

effectiveness

11th-30th day

\$200

31st-60th day

\$400

61st-90th day

\$600

91st-120th day

\$800

121st-150th day

\$1,000

151st-180th day

\$1,200

On or after the

181st day \$2,500

Section 8

Dealer Filing or Renewal Fee

\$300**** plus \$20 for each

branch office in this State

Dealer fee to report a

change in its form of

organization

Investment Adviser

Filing

or

Renewal Fee

\$300

\$200**** plus \$20

for each branch

office in this

State plus a \$10

Securities Audit

and Enforcement

Fund fee for each

investment adviser

representative who

is not registered

in this state as a

salesperson for a

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Investment Adviser fee to report a change in its form of organization		registered dealer (all fees may be paid by a single check).	
Investment Adviser Examination Fee	\$200		
Salesperson Filing or Renewal Fee	\$50		
	\$75		
	(\$40 filing or renewal fee and \$35 \$10 Securities Audit and Enforcement Fund fee; all fees may be paid by a single check).		
Salesperson Transfer Fee	\$75 \$50 (\$40 transfer fee and \$35 \$10 Securities Audit and Enforcement Fund fee; all fees may be paid by a single check).		
Section 8(J)			
Additional fee for the failure to file or file timely any required statement of financial condition or financial statement	\$250		
Additional fee for the second and subsequent failure to file or file timely any required statement of financial condition or financial statement	\$500		
Additional fee for the failure to file or file timely any required post-registration document (other than statement of financial condition or financial statement)			
Additional fee for the second and subsequent failure to file or file timely any required document (other	\$50		

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than statement of financial condition or financial statement)	\$250		
Section 10			
Service of Process (when served upon the Secretary)	\$10		
Sections 15(B) and 15(C)			
Certificate	\$10		
Certified Copy of Document	\$10 plus		
Each Page Certified	\$.50		
Section 15a			
Non-binding statement	\$75		
Duplication of documents			
each page duplicated	\$.50		
Additional fee for payment of fee returned to the Securities Department due to insufficient funds or for a similar reason	\$50		
* 1/10th of 1% of the aggregate dollar amount reported therein, but not less than the specified minimum nor more than the specified maximum.			
** 1/20th of 1% of the maximum aggregate price, as defined in Section 130.251 of this Part, but not less than the specified minimum nor more than the specified maximum.			
*** Three-times-the-difference-between-the-initial-registration--fee--paid and-the-fee-required-for-the-entire-amount-sought-to-be-registered-but not--less--than--the--specified--minimum--nor--more--than--the--specified maximum--			
***** Twice the amount indicated if renewal application is filed within 6 days preceding the expiration of the current registration.			
b) All payments of fees, except for payment of administrative fines under Section 11(E) of the Act as set forth below, shall be made by check, money order, United-States-postal-money-order , certified check, bank cashier's check, bank money order or indicia of forms of electronic transfer of funds payable to the "Secretary of State". No third party check or money order endorsed over to the Secretary of State ("Secretary") shall be accepted as payment of any fee. All payments for administrative fines under Section 11(E) of the Act in excess of \$500, except for a person registered under Section 5, 6, 7 or 8 of the Act, shall be made by United--States--postal money order, certified check or bank cashier's check.			
c) Any person whose payment of fees is returned to the Securities Department due to insufficient funds or for a similar reason shall pay to the Secretary the amount of fee owed plus an additional fee as set			

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forth in this Section for each payment returned. This fee shall include the fee required by 5 ILCS 290/10 Ill--Rev--Stat--ch--53--par--24--as-defined-in-Section-130-208-of-this-Part.

d) The Secretary shall require any person to make payment of fees in the form of a United States postal money order, certified check, bank cashier's check or bank money order if any previous payment of fees has been returned to the Securities Department due to insufficient funds or for a similar reason.

e) All payment of fees under Sections 4, 5, 6, 7 and 8 of the Act shall be deemed to be filed and the fees paid upon receipt by the Securities Department, provided that the fee paid is within \$5 of the actual amount due.

(Source: Amended at 20 Ill. Reg. 14185, effective OCT 2 1 1996)

Section 130.130 Date of Filing

a) Except as otherwise specified in Section 4, 5, 6, 7 or 8 of the Act, the date of filing of any document required to be filed with the Securities Department shall be the date of delivery of the document and any required fee to the Securities Department in Springfield, Illinois, as specified in Section 130.120 of this Part, or:

1) if transmitted through the United States mail, shall be deemed filed with the Secretary on the date shown by the post office cancellation mark stamped upon the envelope or other wrapper containing the document or fee;

2) if mailed but not received by the Secretary, or if received but without a cancellation mark or with the cancellation mark illegible or erroneous, shall be deemed filed with the Secretary on the date it was mailed, but only if the sender establishes by competent evidence that the document or fee was deposited, properly addressed, in the United States mail on or before the date on which it was required or was due. In cases in which the document or fee was mailed but not received, the sender must also submit, or pay to, the Secretary a duplicate document or fee, or both, as the case may be, within 30 days after written notification of nonreceipt of the document or fee is given by the Secretary to the person claiming to have sent the document or fee;

3) if a document or fee is sent by United States registered mail, certified mail or certificate of mailing, a record authenticated by the United States Postal Service of such registration, certification or certificate shall be considered competent evidence that the document or fee was mailed on the date shown on the record.

b) A document may not be deemed to be filed with the Secretary unless all requirements of the Act with respect to such filing have been complied

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with and the required fee has been paid.

(Source: Amended at 20 Ill. Reg. 14185, effective OCT 2 1 1996)

Section 130.135 Registration of Securities under Section 5 or 7 of the Act Utilizing the SRD

For the purpose of this Section and to implement a supplemental registration procedure known as the SRD, a computer based registration system for the registration and renewal of registration of securities, investment fund shares and unit investment trusts registered under the Federal 1933 Act and the Federal 1940 Investment Company Act, the term "with the Secretary of State" as used in Sections 5(A), 5(B), 5(E), 7(A), 7(B) and 7(G) of the Act or this Part shall include a filing made with the SRD.

(Source: Added at 20 Ill. Reg. 14185, effective OCT 2 1 1996)

Section 130.141 Additional Information

In addition to the information expressly required to be included in a document filed under Section 4, 5, 6, 7 or 8 of the Act an application for registration, there shall be added such further material information, if any, as may be necessary to make the required statements, in the light of the circumstances under which they are made, not misleading.

(Source: Amended at 20 Ill. Reg. 14185, effective OCT 2 1 1996)

Section 130.142 Additional Exhibits

Any person filing a document under Section 4, 5, 6, 7 or 8 of the Act the registrant may file such exhibits as he or she it may desire in addition to those required by the appropriate form. The exhibits shall be so marked as to indicate clearly the subject matters to which they refer.

(Source: Amended at 20 Ill. Reg. 14185, effective OCT 2 1 1996)

Section 130.190 Provisions for Granting of Variance from Rules

The Secretary of State or his or her designee may grant variances from this Part these Rules in individual cases where he or she determines that:

- the provision from which the variance is granted is not statutorily mandated;
- no party will be injured by granting the variance; and
- the Rule from which the variance is granted would, in the particular

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on January ~~July~~ 1, ~~1996~~ 1999 (no subsequent amendments or editions).

"Fiscal Year" means the annual accounting period or, if no accounting period has been adopted, the calendar year ending on December 31.

"Futures" and "Futures Contracts" as used in Section 130.270 of this Part mean contracts of sale of a commodity for future delivery traded on or subject to the rules of a contract market designated by the CFTC or traded on or subject to the rules of any board of trade located outside the United States, its territories or possessions.

"Futures Commission Merchants" as used in Section 130.270 of this Part means individuals, associations, partnerships, corporations and trusts engaged in soliciting or in accepting orders for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market and that, in or in connection with such solicitation or acceptance of orders, accepts any money, securities, or property (or extends credit in lieu thereof) to margin, guarantee or secure any trades or contracts that result or may result therefrom.

"Hearing" means a proceeding conducted by the Securities Department in which the rights, privileges, immunities, duties or obligations of any person or party are required by law to be determined by the Secretary only after opportunity for a hearing.

"Hearing Officer" means the designee of the Secretary or the Securities Director who, pursuant to Section 11 of the Act, is designated in the Notice of Hearing to preside at a hearing conducted pursuant to Section 11 of the Act ~~by the Securities Department~~ or any person so designated as a substitute hearing officer.

"Identifying Statement" means a written or oral communication or advertisement meeting the requirements of Section 130.210(b)(1) of this Part.

"Insolvency" or "insolvent" means the inability to pay debts and obligations when due or when current liabilities exceed current assets. Any party regulated by this Part claiming insolvency shall file with the Securities Department a balance sheet prepared as of a current date and executed and verified by the chief financial officer of the issuer.

"Internal Revenue Code" means the Internal Revenue Code of 1986

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(26 U.S.C. 1-9602), and the Rules and Regulations thereunder, as in effect on January 1, 1996 (no subsequent amendments or editions). ~~July 17-1989.~~

"Investor ~~Investors~~ Protection Act of 1970" means the Securities Investor Protection Act of 1970 (15 U.S.C. Sec. 78aaaa et seq.), as in effect on January 1, 1996 (no subsequent amendments or editions). ~~July 17-1989.~~

"Majority-Owned Subsidiary" means a subsidiary more than 50% of whose outstanding securities, which represent the right, other than as affected by events of default, to vote for the election of directors, is owned by the subsidiary's parent and/or one or more of the parent's other majority-owned subsidiaries.

"Material", when used to qualify a requirement for the furnishing of information as to any subject, limits the information required to those matters as to which there is a substantial likelihood that a reasonable investor would consider it important in deciding upon a course of action to be taken, including, but without limitation, purchasing, selling or holding the security or securities involved, or accepting or rejecting an offer or proposal made with regard to any security or securities.

"NASD" means the self-regulatory organization registered under the Federal 1934 Act, as defined in this Section, known as the "National Association of Securities Dealers, Inc."

"Nonaccredited Investor" as used in Section 130.420 of this Part means a person who is not a person set forth in Section 4.C, 4.H, 4.R or 4.S of the Act.

"Office", unless otherwise clarified, refers to the Office of the Securities Department of the Secretary of State, and not to any particular address or location.

"Officer" means the president; any vice president in charge of a principal business unit, division or function; the secretary; the treasurer; any principal financial officer, comptroller or principal accounting officer; any other officer performing a principal policy-making function and any other person performing similar functions with respect to any organization whether incorporated or unincorporated.

"Options on Futures" as used in Section 130.270 of this Part means puts or calls on a futures contract traded on or subject to the rules of a contract market designated by the CFTC or traded or subject to the rules of any board of trade located outside the

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United States, its territories or possessions.

"Pacific Coast Stock Exchange, Inc." means the Pacific Stock Exchange, Inc.

"Parent" of a specified person means an affiliate controlling such person directly or indirectly through one or more intermediaries.

"Party" means any person named as a petitioner or a respondent in a hearing conducted by the Securities Department.

"Person" means a natural person ~~an individual~~, a corporation, a partnership, a limited partnership, a limited liability company, a limited liability partnership, an association, a joint stock company, a trust or any unincorporated organization except that as used in this Section, the word "trust" includes only a trust where the interest or the interests of the beneficiary or beneficiaries are a security.

"Predecessor" means a person, the major portion of the business and assets of which another person acquired in a single succession or in a series of related successions in each of which the acquiring person acquired the major portion of the business and assets of the acquired person.

"Preliminary Prospectus" means a document meeting the requirements of Section 130.210(b)(2) of this Part.

"Principal Underwriter" means an underwriter in privity of contract with the issuer of the securities as to which such person is an underwriter.

"Promoter" means

any person who, acting alone or in conjunction with one or more other persons, directly or indirectly takes initiative in founding and organizing the business or enterprise of an issuer; or

any person who, in connection with the founding and organizing of the business or enterprise of an issuer, directly or indirectly receives in consideration of services or property, or both, 10% or more of any class of securities of the issuer or 10% or more of the proceeds from the sale of any class of securities of the issuer. However, a person who receives the securities or proceeds either solely as underwriting commissions or solely in consideration of

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property shall not be deemed a promoter within the meaning of this subsection if the person does not otherwise take part in founding and organizing the enterprise.

"prospectus" means any prospectus, notice, circular, advertisement, letter or communication, written or by radio, television or other communications medium, which offers any security for sale or confirms the sale of any security; except that a communication sent or given after the effective date of the registration of the security (other than a prospectus permitted under Section 10(b) of the Federal 1933 Act, as defined in this Section) shall not be deemed a prospectus if it is proved that, prior to or at the same time as the communication, a written prospectus, meeting the requirements of Section 10(a) of the Federal 1933 Act, as defined in this Section at the time of the communication, was sent or given to the person to whom the communication was made, and a notice, circular, advertisement, letter or communication in respect to a security shall not be deemed to be a prospectus if it states from whom a written prospectus meeting the requirements of Section 5 of the Act may be obtained and, in addition, does no more than identify the security, state the price thereof, state by whom orders will be executed, and contain such other information as the Secretary by the Sections in this Part deems necessary or appropriate in the public interest and for the protection of investors and, subject to such terms and conditions as may be described therein, may permit.

"Regulated Account" as used in Section 130.270 of this Part means a customer segregation account subject to 17 CFR Part I Sec. 1.20 as in effect on January 1, 1996 ~~1999~~ (no subsequent amendments or editions); provided, however, that, where such regulations do not permit to be maintained in such an account or require to be maintained in a separate regulated account funds or securities in proprietary accounts or funds or securities used as margin for or excess funds related to futures contracts, options on futures or any other instruments subject to CFTC jurisdiction that trade outside the United States, its territories or possessions, the term "regulated account" means such separate regulated account or any other account subject to 17 CFR Part I Sec. 1.31 et seq. as in effect on January 1, 1996 ~~1999~~ (no subsequent amendments or editions).

"Registrant" means the issuer of the securities which are the subject of the application for registration.

"Rules" refers to all rules adopted by the Secretary pursuant to the Act.

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"Share" means a share of stock in a corporation or unit of interest in an unincorporated person.

"SEC" means the United States Securities and Exchange Commission.

"Secretary of State" "or Secretary" means the Secretary of State of Illinois.

"Section" refers to a section of this Part unless a reference to the Act is specifically made.

"Securities Department" means the Securities Department of the Office of the Secretary of State.

"Segregated Customer Funds" as used in Section 130.270 of this Part means funds subject to 17 CFR Part I Sec. 1.20 as in effect on January July 1, 1996 1989 (no subsequent amendments or editions).

"SRD" means the automated computer registration system for the registration and renewal of registration of securities, investment fund shares and unit investment trusts registered under the Federal 1933 Act and Federal 1940 Investment Company Act known as the Securities Registration Depository.

"Significant Subsidiary" means a subsidiary where:

the assets of the subsidiary, or the investments in and advances to the subsidiary by its parent and the parent's other subsidiaries, if any, exceed 15% of the assets of the parent and its subsidiaries on a consolidated basis; or the sales and operating revenues of the subsidiary exceed 15% of the sales and operating revenues of its parent and the parent's subsidiaries on a consolidated basis.

In determining whether a subsidiary is a significant subsidiary, such a subsidiary shall be considered in the aggregate with any subsidiaries of which it is the parent.

"Subsidiary" of a specified person is an affiliate controlled by such person directly or indirectly through one or more intermediaries. (See also "Majority-Owned Subsidiary", "Significant Subsidiary" and "Totally-Held Subsidiary".)

"Succession" means the direct acquisition of the assets comprising a going business, whether by merger, consolidation, purchase, or other direct transfer. The term does not include the acquisition of control of a business unless followed by the direct acquisition of its assets. The terms "succeed" and "successor" have the same meaning as "succession".

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"Totally-Held Subsidiary" means a subsidiary substantially all of whose outstanding securities are owned by its parent and/or the parent's other totally-held subsidiaries, and which is not indebted to any person other than its parent and/or the parent's other totally-held subsidiaries in an amount which is material in relation to the particular subsidiary, excepting indebtedness incurred in the ordinary course of business which is not overdue and which matures within one year from the date of its creation, whether evidenced by securities or not.

"Unit Investment Trust" means an investment company which: is organized under a trust indenture, agency or custodianship contract or similar instrument, does not have a board of directors; and

issues only redeemable securities, each of which represents an undivided interest in a unit of specified securities.

The term "unit investment trust" does not include a voting trust.

"Unsolicited Transaction" as used in Section 130.270 of this Part means a transaction that is not effected in a discretionary account or recommended to a customer by the futures commission merchant, an associated person of a futures commission merchant, a business affiliate that is controlled by, controlling, or under common control with the futures commission merchant, or an introducing broker that is guaranteed by the futures commission merchant.

- b) A Section in this Part which defines a term without express reference to the Act or to this Part or to a portion thereof or hereof defines such term for all purposes as used both in the Act and in this Part. Terms defined in the Act and not defined in this Part have the meanings given them in the Act.

(Source: Amended at 20 Ill. Reg. 14185, effective Oct 2 1995)

Section 130.210 Definition of Acts Not Constituting a "Sale" or "Offer" as Used in Section 2.5 or 2.5a of the Act

- a) The transmitting, sending or giving to any person or publishing an identifying statement, circular or preliminary prospectus, notice, advertisement, letter or other communication shall not constitute an "offer" or "sale" as used in Section 2.5 or 2.5a of the Act, provided that the identifying statement, circular or preliminary prospectus, notice, advertisement, letter, or other communication is used in connection with a security which is the subject of a pending application for registration which is on file with the Securities Department of the Office of the Secretary of State under Section 5 of

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the Act and substantially complies with the provisions of subsection paragraph (b) of this Section 130-210.

- b) For the purpose of this Part, the terms:
- 1) "identifying statement" and "circular" mean a written communication or advertisement or radio or television advertisement meeting the requirements of 17 CFR 230.134 (Rule 134) in effect on January 1, 1996 1994 (no subsequent amendments or editions) under the Federal 1933 Act; and
 - 2) "preliminary prospectus" means a document which contains substantially the information required by the Act to be included in a prospectus meeting the requirements of Section 5 of the Act for the securities being registered, or contains substantially that information except for the omission of information with respect to the offering price, underwriting discounts or commissions, discounts or commissions to dealers, amounts of proceeds, conversion rates, call prices, or other matters dependent upon the offering price.
- c) The outside front cover page of the preliminary prospectus shall bear, in red ink, the caption "Preliminary Prospectus", the date of its issuance, the following statement printed in type as large as that generally in the body of the prospectus:

"An application for registration relating to these securities has been filed with the Secretary of State of Illinois, but has not yet become effective. Information contained herein is subject to completion or amendment. These securities may not be sold nor may offers to buy be accepted prior to the time the application for registration becomes effective. This prospectus shall not constitute an offer to sell or the solicitation of an offer to buy nor shall there be any sale of these securities prior to registration under the Illinois Securities Law of 1953."

Or or in the alternative where applicable, the statement required by Regulation S-K, Section 229.501, Item 501(c)(8) in effect on January 1, 1996 under the Federal 1933 Act (no subsequent amendments or editions).

- d) This Section shall not apply when the application for registration is the subject of pending proceedings under Section 11 of the Act or of an order of suspension, denial or prohibition entered under such Section.

(Source: Amended at 20 Ill. Reg. 14185, effective OCT 2 1 1996)

Section 130.211 Definition of Acts Not Constituting an "Offer" of Securities under Section 5, 6 or 7 of the Act.

- a) Notwithstanding any other provision of the Act or this Part, the

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transmitting or sending of any announcement, offering circular, prospectus or other communication via the nonproprietary, public computer network (commonly known as the "Internet") shall not constitute an offer of securities under Section 5, 6 or 7 of the Act; provided that the communication indicates, directly or indirectly, that the securities are not being offered to the residents of this State, and an offer is not otherwise specifically directed to any person in this State by or on behalf of the issuer of the securities. No sale of securities shall be made in this State until the securities have been registered under Section 5, 6 or 7 of the Act and a prospectus, offering circular or Form U-7 in its most current form has been delivered to each offeree prior to the sale, or the securities are exempt from registration under Section 3 of the Act or sold in transactional exemptions set forth under Section 4 of the Act (except subsection G, H or R of Section 4 of the Act, or subsection M of Section 4 of the Act if any commission or other remuneration is paid or given, directly or indirectly, on account of the sale or sales or issuance of the securities).

(Source: Added at 20 Ill. Reg. 14185, effective OCT 2 1 1996)

Section 130.220 Definition of "Regularly Engaged in Securities Sales Activities", as Used in Section 2.9 of the Act

The term "regularly engaged in securities sales activities" in Section 2.9 of the Act means making more than 10 sales, as defined in Section 2.5 of the Act, within a consecutive 12 month period, or without numerical limitation if no commission, discount or remuneration is paid or given, directly or indirectly, on account of any sale of the securities. For purposes of computing the number of sales, transactions enumerated in Section 4, other than subsection F, of the Act shall be excluded.

(Source: Amended at 20 Ill. Reg. 14185, effective OCT 2 1 1996)

SUBPART C: EXEMPT SECURITIES

Section 130.370 Automated Quotation System Deemed to Have Substantially Equivalent Standards for Designation as Required By One or More Exchanges Set Forth in Section 3(G) of the Act (Repealed)

The National Association of Securities Dealers Automated Quotation National Market System shall be deemed for purposes of Section 3(G) of the Act to be an automated quotation system with standards for designation that are substantially equivalent to the standards that are required for listing on one or more of the exchanges set forth in Section 3(G) of the Act.

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(Source: Repealed at 20 Ill. Reg. **14185**, effective

Oct 2 1996)

SUBPART D: EXEMPT TRANSACTIONS

Section 130.420 Uniform Limited Offering Exemption Pursuant to Section 4.D of the Act

a) Any offer or sale of securities offered or sold in compliance with the Federal 1933 Act, Regulation D, Rules 230.501-230.503 and 230.505 or 230.506 (17 CFR 230.501-230.503, 230.505, 230.506) and which satisfies the following further conditions and limitations:

1) No exemption under this Section shall be available for the securities of any issuer if any of the parties described in the Federal 1933 Act, Regulation A, Rule 230.282 Sections (a), (b), and (c), 17 CFR 230.262(a), (b) and (c) as in effect on July 1, 1996 (no subsequent amendments or editions):

A) has filed a registration statement which is subject to a currently effective registration stop order entered pursuant to any state's securities law within five years prior to the filing of the notice required under this exemption;

B) has been convicted within five years prior to the filing of the notice required under this exemption of any felony or misdemeanor in connection with the offer, purchase or sale of any security or any felony involving fraud or deceit, including but not limited to forgery, embezzlement, obtaining money under false pretenses, larceny or conspiracy to defraud;

C) is currently subject to any state administrative enforcement order or judgment entered by that state's securities administrator within five years prior to the filing of the notice required under this exemption or is subject to any state's administrative enforcement order or judgment in which fraud or deceit, including but not limited to making untrue statements of material facts and omitting to state material facts, was found and the order or judgment was entered within five years prior to the filing of the notice required under this exemption;

D) is subject to any state's administrative enforcement order or judgment which prohibits, denies or revokes the use of any exemption from registration in connection with the offer, purchase or sale of securities;

E) is currently subject to any order, judgment, or decree of any court of competent jurisdiction temporarily or preliminarily restraining or enjoining, or is subject to any order, judgment or decree of any court of competent jurisdiction permanently restraining or enjoining, such party from engaging in or continuing any conduct or practice

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in connection with the purchase or sale of any security or involving the making of any false filing with the state entered within five years prior to the filing of the notice required under this exemption;

2) the prohibitions of subsections (a)(1)(A)-(C) and (E) of this Section shall not apply if the person subject to the disqualification is duly licensed or registered to conduct securities related business in the state in which the administrative order or judgment was entered against such person or if the dealer employing such party is licensed or registered in this State and the Form BD filed with the Securities Department discloses the order, conviction, judgment or decree relating to such person; no person disqualified under this subsection (a)(2) may act in a capacity other than that for which the person is licensed or registered; and

3) any disqualification caused by this Section is automatically waived if the state securities administrator or agency of the state which created the basis for disqualification determines upon a showing of good cause that it is not necessary under the circumstances that the exemption be denied. It is a defense to a violation of this subsection (a) if the issuer sustains the burden of proof to establish that such person did not know and in the exercise of reasonable care could not have known that a disqualification under this subsection (a) existed.

b) The issuer shall file with the Securities Department a notice on Form D (17 CFR 239.500):

1) the notice shall be filed no later than 15 days after the receipt of consideration or the delivery of a subscription agreement by an investor in this State which results from an offer being made in reliance upon this exemption and at such other times and in the form required under Regulation D, Rule 230.503 to be filed with the SEC;

2) the notice shall contain an undertaking by the issuer to furnish to the Securities Department, upon written request, the information furnished by the issuer to offerees who are offered or sold a security which is not exempt under any provision of Section 3 of the Act or who are offered or sold a security in a transaction which is not exempt under any provision of Section 4 of the Act;

3) every person filing the initial notice provided for in subsection (b)(1) of this Section shall pay the filing fee pursuant to Section 130.110 of this Part.

c) In all sales to nonaccredited investors in this State, the issuer and any person acting on its behalf shall have reasonable grounds to believe, and after making reasonable inquiry shall believe, that one of the following conditions is satisfied:

1) the investment is suitable for the purchaser upon the basis of the facts, if any, disclosed by the purchaser as to his or her

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other security holdings and as to his or her financial situation and needs; for the purpose of this condition only, it may be presumed that if the investment does not exceed 10% of the investor's net worth, it is suitable; and

2) the purchaser, either alone or with his or her purchaser representative(s), has such knowledge and experience in financial and business matters that he or she is, or they are, capable of evaluating the merits and risk of the prospective investment.

d) A failure to comply with a term, condition or requirement of this exemption will not result in loss of the exemption from the requirements of Section 4.D of the Act for any offer or sale to a particular individual or entity, if the person relying on the exemption shows:

- 1) the failure to comply did not pertain to a term, condition or requirement directly intended to protect that particular individual or entity; or
 - 2) the failure to comply was insignificant with respect to the offering as a whole; or
 - 3) a good faith and reasonable attempt was made to comply with all applicable terms, conditions and requirements of the exemption.
- e) The exemption authorized by this Section shall be known and may be cited as the "Uniform Limited Offering Exemption."

(Source: Added at 20 Ill. Reg. 14185, effective OCT 2 1 1995)

Section 130.441 Calculation of Number of Persons Under Section 4.G 4(f) or 4.M 4(f) of the Act

- a) For purposes of Section 4.G 4(f) and 4.M 4(f) of the Act, any sale or issuance of securities to, or subscription by, two (2) or more persons as joint tenants with right of survivorship shall be deemed to be a sale or issuance to one purchaser or subscriber, as the case may be.
- b) The sale of securities under Section 4.G 4(f) or subscription to purchase securities or issuance of securities under Section 4.M 4(f) of the Act to any relative, spouse or relative of the spouse of a purchaser or subscriber who has the same principal residence or domicile as the purchaser or subscriber shall not be deemed to be a sale to an additional purchaser or subscriber.
- c) Each person shall be counted as one purchaser or subscriber. If, however, a person has been organized for the specific purpose of acquiring the securities offered, then each beneficial owner of equity securities or equity interests in the entity (other than a person as to whom the offer and sale of the securities would have been an exempt transaction under another subsection of Section 4 of the Act, had such securities been offered and sold to such person directly) shall be counted as a separate purchaser or subscriber for the purposes of Section 4.G or 4.M of the Act except to the extent provided in

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subsections (a) and (b) of this Section. Each entity shall be counted as one purchaser or subscriber, unless the entity has been in existence for at least nine months and has conducted the business for which the entity was formed other than the business of acquiring securities, in which event each beneficial owner of equity securities or equity interests in the entity shall be counted as a separate purchaser or subscriber for purposes of Section 4(f) or 4(m) of the Act.

(Source: Amended at 20 Ill. Reg. 14185, effective OCT 2 1 1995)

SUBPART E: REGISTRATION OF SECURITIES

Section 130.510 Procedures for Registration of Securities by Coordination under Section 5.A 5(f) of the Act

a) Filing requirements.

- 1) Application for registration of securities pursuant to Section 5.A 5(f) of the Act shall be made by filing the following documents with the Securities Department in Springfield in the form required by Section 5.A(2) 5(f)(2) of the Act;

A) One copy of the registration statement (without exhibits) which sets forth the title of the securities, price or proposed offering price, and the aggregate number of units to be offered by the registration statement on file with the SEC in its most recent form as of the date of the initial filing under Section 5.A 5(f) of the Act;

B) the consent to service of process on Form-U-3 as provided in Appendix A or Illinois Form-10, if required by Section 5(f)(2)(b) of the Act;

BE) A completed Application to Register Securities on Form U-1 as provided in Appendix B, executed by the applicant, if a natural person; or by a general partner, if the applicant is a partnership; or by an officer of the applicant, if a corporation; or in other cases by a credible person having knowledge of the facts, setting forth the title of the securities to be registered, the total offering of securities in number and dollar amount, the offering of securities in number and dollar amount to be offered in this State, the offering price or proposed offering price and the proposed maximum aggregate price and the proposed maximum aggregate price in this State therefor as defined in Section 130.251 of this Part and, if the applicant is electing the date of effectiveness of a post-effective amendment filed or to be filed with the SEC as its "effective date" as defined in Section 2.13 of the Act, specifying such date as the "effective date" for purposes of paragraph 6 of the

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Application:

(CB) If the applicant is not a registered dealer, the name of at least one registered dealer for the securities being registered (except that, in the case of securities being offered and sold on a delayed or continuous basis pursuant to 17 CFR 230.415 as in effect on January 31, 1996) shall be provided to the Secretary of State, the name of the registered dealer may be furnished no later than the close of business on the second business day following the commencement of sales of the registered securities), or if no registered dealer is participating in the offering, a description of the method by which the securities being registered will be offered and sold in Illinois in compliance with Section 8 of the Act; and

(DB) The filing fee required by Section 5.C(1) 5(e) of the Act in the form and amount required by Section 130.110 of this part.

2) The completed Application to Register Securities on Form U-1 shall constitute the application and the undertaking called for Sections 5.A(2)(c) 5(f)(2)(c) and 5.A(2) 5(f)(2)(d), respectively, of the Act, except that

A) The time period for filing documents described in the undertaking set forth in paragraph 9(b) of the Application shall be deemed to be the seven calendar days after the forwarding thereof to the SEC;

B) Only amendments to the federal registration statement which amend or supplement the registration statement need be filed pursuant to paragraph 9(b)(i) of the Application;

C) The applicant otherwise shall be required to comply with the undertakings set forth in paragraph 9 of the Application only to the extent required by the Act and this Part.

b) If, prior to the effective date, there shall have been filed with the Securities Department all of the documents and fees specified in subsection (a) of this Section, registration of securities under Section 5.A 5(f) of the Act shall become effective automatically on the effective date, provided that:

1) the application for registration is not then the subject of pending proceedings under Section 11.F of the Act or of an order of suspension, denial or prohibition under Section 11 of the Act; and

2) at least one of the following events shall have occurred on or before the effective date:

A) the Securities Department shall have notified the applicant, in writing (which may be by telegraphic, electronic or facsimile transmission), that such documents and fees conform to the requirements of the Act and this Part;

B) at least ten business days shall have expired from and including the date on which all of the documents and fees

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specified in subsection (a) of this Section have been filed with or paid to the Securities Department.

c) If, prior to the effective date, all of the documents specified in subsection (a) of this Section shall not have been filed with the Securities Department, the registration under Section 5.A 5(f) of the Act shall take effect on the date that all of the following conditions are satisfied:

1) All of the documents and fees specified in subsection (a) of this Section shall have been filed with or paid to the Securities Department;

2) The application for registration is not then the subject of pending proceedings under Section 11.F of the Act or of an order of suspension, denial or prohibition under Section 11 of the Act; and

3) There shall have been filed with the Securities Department a statement from the applicant, in writing (which may be by telegraphic, electronic or facsimile transmission), which either:

A) states that no securities which are part of the offering being registered have been sold in this State; or

B) if securities which are part of the offering being registered have been sold in this State, that sets forth the name and address of each purchaser of such securities, the dollar amount sold, and the exemption or exemptions from registration under Section 3 or 4 of the Act relied upon in making each such sale.

4) At least one of the following events shall have occurred:

A) The Securities Department shall have notified the applicant, in writing (which may be by telegraphic, electronic or facsimile transmission), that such documents and fees conform to the requirements of the Act and this Part; or

B) At least ten business days shall have expired from and including the date on which all of the documents and fees specified in subsection (a) of this Section have been filed with or paid to the Securities Department; and

5) There shall have been filed with the Securities Department a statement from the applicant, in writing (which may be by telegraphic, electronic or facsimile transmission), dated no earlier than the first business day preceding the date on which the registration under Section 5.A 5(f) of the Act is to take effect, stating that:

A) The registration statement filed under the Federal 1933 Act, as defined in Section 130.200 of this Part, is then in effect; and

B) The registration statement, including any amendments or supplements thereto, then on file with the Securities Department satisfies the requirements of Section 10(a)(3) of the Federal 1933 Act, as defined in Section 130.200 of this Part.

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- d) The applicant shall file with the Securities Department, a notice in writing (which may be by telegraphic, electronic or facsimile transmission), no later than the close of business on the second business day following the later of the effective date or the date on which the registration under Section 5.A 54A of the Act shall take effect, of:

- 1) The offering price(s) (provided, that if the offering is to be made on a delayed or continuous basis pursuant to Rule 415 under the Federal 1933 Act, 17 CFR 230.415 as defined in Section 130.200 of this Part, the offering price(s) need only be furnished if known to applicant, and if not indicated in documents already on file with the Securities Department); and
- 2) The date that the registration statement or, if the applicant is electing the date of effectiveness of a post-effective amendment, that the post-effective amendment, became effective under the Federal 1933 Act, as defined in Section 130.200 of this Part.
- e) No offering of securities shall be registered under Section 5.A 54A of the Act if, prior to the effective date, all of the securities which are part of the offering being registered have been sold. The Secretary shall require, in any case where it appears that this subsection (e) may be violated, an affidavit to the effect that securities which are part of the offering remain available for sale.
- f) The issuer, controlling person or registered dealer, who filed the application may petition the Securities Department, in writing, prior to effectiveness of the registration of the securities under the Federal 1933 Act, as defined in Section 130.200 of this Part, for a waiver of automatic effectiveness of the registration of securities under the Act if such effectiveness would cause the issuer, controlling person or registered dealer to violate any provision of the Act or this Section. The Securities Department shall notify the issuer, controlling person or registered dealer in writing of the Secretary's decision to grant or deny any request for waiver of automatic effectiveness. If the waiver is granted, the registration of securities shall become effective automatically on such date as shall be designated in writing by the issuer, controlling person or registered dealer who filed the application provided that such person has satisfied all of the requirements of the Act and this Section.

(Source: Amended at 20 Ill. Reg. **14185**, effective **OCT 21 1996**)

Section 130.525 Procedures for Registration of Securities by Qualification under Section 5.B(7) of the Act, Small Company Offering Registration ("SCOR") on Form U-7

- a) To be eligible to use Form U-7, an issuer must comply with each of the following requirements:

- 1) The issuer must be a corporation or a limited liability company

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organized under the laws of one of the states or possessions of the United States which engages in or proposes to engage in a business other than petroleum exploration or production or mining or other extractive industries. "Blind pool" offerings and other offerings for which the specific business or properties cannot now be described are ineligible to use Form U-7;

- 2) The securities may be offered and sold only on behalf of the issuer, and Form U-7 may not be used by any selling securityholder (including underwriters in a firm commitment underwriting) to register the securities for resale;

- 3) The offering price for common stock (and the exercise price, if the securities are options, warrants or rights for, and the conversion price if the securities are convertible into common stock) must be equal to or greater than \$1.00 per share;

- 4) The issuer may engage salespersons to sell the securities. Commissions, fees, or other remuneration for soliciting any prospective purchaser in this State in connection with the offering may only be paid to persons who are registered as salespersons.

- 5) Form U-7 shall not be available for the securities of any issuer if the issuer or any of its officers, directors, 10% stockholders, promoters or any salesperson of the securities to be offered, or any officer, director or partner of such issuer:

- A) has filed a registration statement which is the subject of a currently effective registration stop order entered pursuant to any state's securities law within five years prior to the filing of the application for registration hereunder;

- B) has been convicted within five years prior to the filing of the application for registration hereunder of any felony or misdemeanor in connection with the offer, purchase or sale of any security or any felony involving fraud or deceit, including, but not limited to, forgery, embezzlement, obtaining money under false pretenses, larceny or conspiracy to defraud;

- C) is currently subject to any state administrative enforcement order or judgment entered by that state's securities administrator within five years prior to the filing of the application for registration hereunder or is subject to any state's administrative enforcement order or judgment in which fraud or deceit, including but not limited to making untrue statements of material facts and omitting to state material facts, was found and the order or judgment was entered within five years prior to the filing of the application for registration hereunder;

- D) is subject to any state's administrative enforcement order or judgment which prohibits, denies or revokes the use of any exemption from registration in connection with the subject offer, purchase or sale of securities included in

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the application for registration hereunder; or
E) is currently subject to any order, judgment or decree of any court of competent jurisdiction temporarily or preliminarily restricting, enjoining, or subject to any order, judgment or decree of any court of competent jurisdiction, permanently restraining or enjoining, from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security or involving the making of any false filing with the state entered within five years prior to the filing of the application for registration hereunder.

6) The prohibitions of subsections (a)(5)(A), (B), (C) and (E) of this Section shall not apply if the person subject to the disqualification is duly licensed or registered to conduct securities related business in the state in which the administrative order or judgment was entered against such person or if the dealer employing such party is licensed or registered in this State and the Form BD filed with this State discloses the order, conviction, judgment or decree relating to such person. If any of the circumstances in subsection (a)(5)(B), (C) or (E) of this Section has occurred more than five years from the date of the application for registration hereunder, these circumstances should be described in response to Question 45 of Form U-7 as a Miscellaneous Factor.

7) Use of Form U-7 is available to any offering of securities by an issuer, the aggregate offering price of which within or outside this State shall not exceed \$1,000,000, less the aggregate offering price for all securities sold within the twelve months before the sale of, and during the offering of, the securities under SPC Rule 504 in reliance on any exemption under section 3(b) of the Federal 1933 Act not in violation of section 5(a) of that Act. Form U-7 is not available to a company that is an investment company (including mutual funds) or is subject to the reporting requirements of Section 13 or 15(d) of the Federal 1934 Act.

8) The issuer shall file with the SEC a Form D pursuant to Regulation D under the Federal 1933 Act claiming exemption of the offering from registration under the Federal 1933 Act pursuant to Rule 504 thereunder. A copy of the Form D with Illinois signature pages shall be filed with the Securities Department at the same time it is filed with the SEC.

b) Application for registration of securities pursuant to Section 5.B(7) of the Act shall be made by:

1) filing the following documents with the Securities Department in the form required by Section 5.B of the Act:

A) A completed Application to Register Securities on Form U-1, executed by the applicant, if a natural person; or by an officer of the applicant, if a corporation; or in other cases by a credible person having knowledge of the facts,

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setting forth the name and address of the issuer, the title and total amount of the securities to be offered, the amount of the securities to be registered in this State pursuant to the Application, and the proposed maximum aggregate price for the securities being registered as defined in Section 130.251 of this Part;

B) A copy of the Form U-7, Disclosure Document, with a response to each question in each paragraph of the Form U-7; if a question is not applicable, the response should so indicate; each response should be clearly and concisely stated and should not include nominal, immaterial or insignificant information;

C) Form of Selling Agency Agreement, if any;

D) Issuer's articles of incorporation or other charter documents and all amendments thereto;

E) Issuer's by-laws, as amended to date;

F) Copy of any resolutions by directors setting forth terms and provisions of capital stock to be issued;

G) Any indenture, form of note or other contractual provision containing terms of notes or other debt, or of options, warrants or rights to be offered, if any;

H) Specimen of security to be offered (including any legend restricting resale);

I) Copy of all advertising or other materials including electronic media and correspondence directed to or to be furnished investors in the offering;

J) Form of escrow agreement for escrow of proceeds, if any;

K) Form of any subscription agreement for the purchase of securities in the offering;

L) Opinion of counsel as to the legality of the securities to be issued;

M) Consent to inclusion in the disclosure document of tax advisor's opinion or description of tax consequences, if any;

N) Consent to inclusion in the disclosure document of any evaluation of litigation or administrative action by counsel, if any;

O) Schedule setting forth the name and residential street address of each officer, director and principal stockholder;

P) Work sheets showing computations of responses to questions 6, 7(a), 8(a), 8(b) and 17(b) of Form U-7;

Q) Undertaking to file promptly with the Securities Department any and all amendments of and supplements to the disclosure document as theretofore filed under Section 5.B of the Act, accompanied by the examination fee specified in Section 130.110 of this Part; and

R) Name of the registered dealer who will be selling the securities, if any; or Form U-4s for each individual who

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will be selling the securities together with the filing fee required by Section 8.C(7) of the Act in the form and amount required by Section 130.110 of this Part or a description of the method by which the securities being registered will be offered and sold in Illinois in compliance with Section 8 of the Act.

- 2) Paying to the Securities Department the examination fee and filing fee required by Section 5.B(2)(g) and 5.C(1), respectively, of the Act in the form and amount required by Section 130.110 of this Part.

- c) The Securities Department shall within a reasonable time examine the application and documents filed, and unless:

- 1) the Securities Department makes a determination that the application and documents so filed do not conform to the requirements of Section 5.B(7) of the Act and this Section; or
- 2) the application for registration is then the subject of pending proceedings under Section 11.F of the Act or of an order of suspension, denial or prohibition under Section 11 of the Act, the Department shall declare the Form U-7 effective and register the securities for offer and sale in this State under Section 5.B of the Act.

- d) Issuer notification requirements to the Securities Department after the securities are registered:

- 1) Notification within two business days after the occurrence of any event which requires a material change in Form U-7 and submission of the following:

- A) a complete Form U-7 as revised, amended or supplemented, marked to show changes from the previously filed version; and

- B) the amendment filing fee as required by Section 5.B(2)(g) of the Act and in the form and amount required by Section 130.110 of this Part;

- 2) Monthly sales report disclosing the total dollar amount of securities sold in this State, to be filed not later than 10 business days following the end of each month;

- 3) Final sales report disclosing the total dollar amount of securities sold in this State, to be filed not later than 10 business days following the completion or termination of the offering; and

- 4) Affidavit of termination as required pursuant to Section 5.D of the Act, to be filed not later than 30 days following completion or termination of the offering.

(Source: Added at 20 Ill. Reg. 14185, effective OCT 21 1996)

Section 130.538 Withdrawal of Registration Statement, or Amendment or Exhibit Filed Under the Federal 1933 Act

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An application for registration or an amendment or exhibit may, prior to registration, be withdrawn by written request with the consent of the Secretary of State. The written request for withdrawal shall state the reasons for the withdrawal. Any previously paid fees related to the application shall not be refunded. All papers comprising the application for registration or amendment, except the application form, most current form of the registration statement filed under the Federal 1933 Act or prospectus and correspondence, shall be destroyed. The application form shall be plainly marked with the date of the consent to withdraw and the following statement: "Withdrawn upon the request of the applicant with the consent of the Secretary of State". The Secretary of State shall deny the request for withdrawal of the application for registration if the Secretary determines that there is a need for investigation pursuant to Section 11 of the Act.

Any application for registration or any amendment or exhibit thereto may be withdrawn prior to registration upon application if the Secretary of State finding the withdrawal consistent with the public interest and the protection of investors consents thereto. The application for the consent shall be signed and shall state fully the grounds upon which made. The examination fee paid upon the filing of the application will not be returned. All papers comprising the application for registration or amendment, with the exception of the application form and correspondence, will be removed from the files of the Secretary of State and destroyed unless the applicant has requested return of the papers not required to be retained by this Part. The application form will be plainly marked with the date of the giving of the consent, and in the following manner: "Withdrawn upon the request of the applicant, the Secretary of State consenting thereto."

(Source: Amended at 20 Ill. Reg. 14185, effective OCT 21 1996)

Section 130.540 Procedure with Respect to Abandoning Abandoned Registration Statements, Applications for Trading Authorizations and Post-Effective Amendments

- a) When an application for registration, authorization to trade or a post-effective amendment to such an application has been on file with the Secretary of State for a period of nine months and has not become effective, the Secretary of State may, in his or her discretion, proceed in the following manner to determine whether the application for registration or authorization to trade or amendment has been abandoned by the applicant registrant. If the application for registration or authorization to trade has been amended, other than for the purpose of delaying the effective date thereof, or if the post-effective amendment has been amended, the nine-month period shall be computed from the date of the latest such amendment.

- b) A notice will be sent to the applicant registrant and to the agent for service named in the application for registration or authorization to trade, by certified registered mail, return receipt requested,

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addressed to the most recent addresses for the applicant registrant and the agent for services reflected in the application for registration or authorization to trade. The notice will inform the applicant registrant and the agent for service that the application for registration or authorization to trade or amendment is out of date and must be either amended to comply with the applicable requirements of the Act or be withdrawn within 30 days after the date of notice or an Order of Abandonment shall may be entered.

c) If the applicant registrant or the agent for service fails to respond to such notice by filing a substantive amendment or withdrawing the application for registration or authorization to trade, the Secretary of State may, where consistent with the public interest and the protection of investors, enter an order declaring the application for registration or authorization to trade or amendment thereto abandoned.

d) When such an order is entered by the Secretary of State:

- 1) the examination fee or filing fee paid upon the filing of the application for registration or the filing fee paid upon the filing of the application for an authorization to trade will not be returned;
 - 2) all papers comprising the application for registration or authorization to trade or amendment, with the exception of the application form, the most current form of the registration statement filed under the Federal 1933 Act or the offering document and correspondence, will be removed from the files of the Secretary of State; and
 - 3) the application form will be plainly marked in the following manner: "Declared abandoned by order dated _____."
- e) The applicant may request an administrative hearing in writing within 15 days of receipt of the Order of Abandonment. Such request for hearing before the Securities Director, or his or her designee, shall set forth the grounds upon which applicant seeks a hearing.

(Source: Amended at 20 Ill. Reg. **14185**, effective JUL 21 1996)

SUBPART F: FACE AMOUNT CERTIFICATE CONTRACTS

Section 130.610 Procedures for Registration of Face Amount Certificate Contracts by Coordination under Section 6.A 6(A) of the Act

a) Filing requirements.

- 1) Application for registration of Face Amount Certificate Contracts pursuant to Section 6.A 6(A) of the Act shall be made by filing the following documents with the Securities Department in Springfield in the form required by Section 6.A(2) 6(A)(2) of the Act:

A) One copy of the registration statement (without exhibits) which sets forth the title of the face amount certificate

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contracts, price or proposed offering price, and the aggregate number of units to be offered by the registration statement on file with the SEC in its most recent form as of the date of the initial filing under Section 6.A 6(A) of the Act;

B) The consent to service of process on Form U-3 or Illinois Form 10, if required by Section 6(A)(2)(b) of the Act; and

BE) A completed Application to Register Securities on Form U-1, executed by the applicant, if a natural person; or by a general partner, if the applicant is a partnership; or by an officer of the applicant, if a corporation; or in other cases by a credible person having knowledge of the facts, setting forth the title of every series, type or class of face amount certificate contracts to be registered pursuant to the Application, and, if the applicant is electing the date of effectiveness of a post-effective amendment filed or to be filed with the SEC as its "effective date" as defined in Section 2.13 of the Act, specifying such date as the "effective date" for purposes of paragraph 6 of the Application;

CB) If the applicant is not a registered dealer, the name of at least one registered dealer for the face amount certificate contracts being registered, or if no registered dealer is participating in the offering, a description of the method by which the face amount certificate contracts being registered will be offered and sold in Illinois in compliance with Section 8 of the Act; and

DB) The filing fee required by Section 6.C 6(C) of the Act in the form and amount required by Section 130.110 of this Part.

2) The completed Application to Register Securities on Form U-1 shall constitute the application and the undertaking called for by Sections 6.A(2)(C) 6(A)(2)(c) and 6(A)(2)(d), respectively, of the Act, except that:

A) The time period for filing documents described in the undertaking set forth in paragraph 9(b) of the Application shall be deemed to be the seven (7) calendar days after the forwarding thereof to the SEC;

B) Only amendments to the federal registration statement which amend or supplement the registration statement need be filed pursuant to paragraph 9(b)(i) of the Application; and

C) The applicant otherwise shall be required to comply with the undertakings set forth in paragraph 9 of the Application only to the extent required by the Act and this Part.

b) If, prior to the effective date, there shall have been filed with the Securities Department all of the documents and fees specified in subsection (a) of this Section, registration of face amount certificate contracts under Section 6.A 6(A) of the Act shall become

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effective automatically on the effective date; provided that:

- 1) The application for registration is not then the subject of pending proceedings under Section 11.6 1147 of the Act or of an order of suspension, denial or prohibition under Section 11 of the Act; and
- 2) At least one of the following events shall have occurred on or before the effective date:
 - A) The Securities Department shall have notified the applicant, in writing (which may be by telegraphic or facsimile transmission), that such documents and fees conform to the requirements of the Act and this Part; or
 - B) At least ten 10 business days shall have expired from and including the date on which all of the documents and fees specified in subsection (a) of this Section have been filed with or paid to the Securities Department.
- c) If, prior to the effective date, all of the documents specified in subsection (a) of this Section shall not have been filed with the Securities Department, the registration under Section 6.A 647 of the Act shall take effect on the date that all of the following conditions are satisfied:
 - 1) All of the documents and fees specified in subsection (a) of this Section shall have been filed with or paid to the Securities Department;
 - 2) The application for registration is not then the subject of pending proceedings under Section 11.6 1147 of the Act or of an order of suspension, denial or prohibition under Section 11 of the Act; and
 - 3) There shall have been filed with the Securities Department a statement from the applicant, in writing (which may be by telegraphic, electronic or facsimile transmission), which either:
 - A) States that no face amount certificate contracts which are part of the offering being registered have been sold in this State; or
 - B) If face amount certificate contracts which are a part of the offering have been sold in this State, that sets forth the name and address of each purchaser of such face amount certificate contract, the dollar amount sold, and the exemption or exemptions from registration under Section 3 or 4 of the Act relied upon in making such sale.
- 4) At least one of the following events shall have occurred:
 - A) The Securities Department shall have notified the applicant, in writing (which may be by telegraphic, electronic or facsimile transmission), that such documents and fees conform to the requirements of the Act and this Part; or
 - B) At least ten 10 business days shall have expired from and including the date on which all of the documents and fees specified in subsection (a) of this Section have been filed with or paid to the Securities Department; and

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- 5) There shall have been filed with the Securities Department a statement from the applicant, in writing (which may be by telegraphic, electronic or facsimile transmission), dated no earlier than the first business day preceding the date on which the registration under Section 6.A 647 of the Act is to take effect, stating that:
 - A) The registration statement filed under the Federal 1933 Act, as defined in Section 130.200 of this Part, is then in effect; and
 - B) The registration statement, including any amendments or supplements thereto, then on file with the Securities Department satisfies the requirements of Section 10(a)(3) of the Federal 1933 Act, as defined in Section 130.200 of this Part.
- d) The applicant shall file a notice with the Securities Department, in writing (which may be by telegraphic, electronic or facsimile transmission), no later than the close of business on the second business day following the later of the effective date or the date on which the registration under Section 6.A 647 of the Act shall take effect, of the date that the registration statement, or if the applicant is electing the date of effectiveness of a post-effective amendment, that the post-effective amendment, became effective under the Federal 1933 Act, as defined in Section 130.200 of this Part.
- e) Any amendment to a registration under Section 6.A 647 of the Act to add any series, type or class of face amount certificate contracts shall be filed with the Securities Department in Springfield prior to the offer or sale of the additional series, type or class of face amount certificate contracts in this State. Such amendment shall be accompanied by the additional registration fee required by Section 6.E 647 of the Act in the form and amount required by Section 130.110 of this Part.
- f) The issuer, controlling person or registered dealer who filed the application may petition the Securities Department in writing prior to effectiveness of the registration of the face amount certificate contracts under the Federal 1933 Act, as defined in Section 130.200 of this Part, for a waiver of automatic effectiveness of the registration of the face amount certificate contracts under the Act, if such effectiveness would cause the issuer, controlling person or registered dealer to violate any provision of the Act or this Section. The Securities Department shall notify the issuer, controlling person or registered dealer in writing of the Secretary's decision to grant or deny any request for waiver of automatic effectiveness. If the waiver is granted, the registration of the face amount certificate contracts shall become effective automatically on such date as shall be designated in writing by the issuer, controlling person or registered dealer who filed the application provided that such person has satisfied all of the other requirements of the Act and this Section.

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(Source: Amended at 20 Ill. Reg. **14185**, effective **OCT 21 1996**)

SUBPART G: INVESTMENT FUND SHARES

Section 130.710 Procedures for Registration of Investment Fund Shares by Coordination under Section 7.A 7(f) of the Act

a) Filing requirements

1) Application for registration of investment fund shares pursuant to Section 7.A 7(f) of the Act shall be made by filing the following documents with the Securities Department in Springfield in the form required by Section 7.A(2) 7(f)(2) of the Act:

A) One copy of the registration statement (without exhibits) which sets forth the title of the investment fund shares, price or proposed offering price, and the aggregate number of units to be offered by the registration statement on file with the SEC in its most recent form as of the date of the initial filing under Section 7.A 7(f) of the Act;

B) ~~the consent-to-service-of-process-on-form-g-2-or-illinois form-107-if-any-required-by-section-7(f)(2)(b) of the Act;~~

and

Be) A completed Application to Register Securities on Form U-1, executed by the applicant, if a natural person; or by a general partner, if the applicant is a partnership; or by an officer of the applicant, if a corporation; or in other cases by a credible person having knowledge of the facts, setting forth the title of the investment fund shares to be offered in this State and, if the applicant is electing the date of effectiveness of a post-effective amendment filed or to be filed with the SEC as its "effective date" as defined in Section 2.13 of the Act, specifying such date as the "effective date" for purposes of paragraph 6 of the Application;

Cb) If the applicant is not a registered dealer, the name of at least one registered dealer for the investment fund shares being registered, or if no registered dealer is participating in the offering, a description of the method by which the investment fund shares being registered will be offered and sold in Illinois in compliance with Section 8 of the Act; and

D) The filing fee required by Section 7.C 7(e) of the Act in the form and amount required by Section 130.110 of this Part.

2) The completed Application to Register Securities on Form U-1 shall constitute the application and the undertaking called for by Sections 7.A(2)(c) 7(f)(2)(c) and 7(f)(2)(d), respectively, of the Act, except that:

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A) The time period for filing documents described in the undertaking set forth in paragraph 9(b) of the Application shall be deemed to be the seven (7) calendar days after the forwarding thereof to the SEC;

B) Only amendments to the federal registration statement which amend or supplement the registration statement need be filed pursuant to paragraph 9(b)(i) of the Application; and

C) The applicant otherwise shall be required to comply with the undertakings set forth in paragraph 9 of the Application only to the extent required by the Act and this Part.

b) If, prior to the effective date, there shall have been filed with the Securities Department all of the documents and fees specified in subsection (a) of this Section, registration of Investment Fund Shares under Section 7.A 7(f) of the Act shall become effective automatically on the effective date, provided that:

1) The application for registration is not then the subject of pending proceedings under Section 11.F 1(f) of the Act or of an order of suspension, denial or prohibition under Section 11 of the Act; and

2) At least one of the following events shall have occurred on or before the effective date:

A) The Securities Department shall have notified the applicant, in writing (which may be by telegraphic, electronic or facsimile transmission), that such documents and fees conform to the requirements of the Act and this Part; or

B) At least ten (10) business days shall have expired from and including the date on which all of the documents and fees specified in subsection (a) of this Section have been filed with or paid to the Securities Department.

c) If, prior to the effective date, all of the documents specified in subsection (a) of this Section shall not have been filed with the Securities Department, the registration under Section 7.A 7(f) of the Act shall take effect on the date that all of the following conditions are satisfied:

1) All of the documents and fees specified in subsection (a) of this Section shall have been filed with or paid to the Securities Department;

2) The application for registration is not then the subject of pending proceedings under Section 11.F 1(f) of the Act or of an order of suspension, denial or prohibition under Section 11 of the Act; and

3) There shall have been filed with the Securities Department a statement from the applicant in writing (which may be by telegraphic, electronic or facsimile transmission), which either:

A) States that no investment fund shares which are a part of the offering being registered have been sold in this State; or

B) If investment fund shares which are a part of the offering

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have been sold in this State, that sets forth the name and address of each purchaser of such investment fund shares, the dollar amount sold, and the exemption or exemptions from registration under Section 3 or 4 of the Act relied upon in making such sale.

- 4) At least one of the following events shall have occurred:
 - A) The Securities Department shall have notified the applicant, in writing (which may be by telegraphic, electronic or facsimile transmission), that such documents and fees conform to the requirements of the Act and this Part; or
 - B) At least ten (10) business days shall have expired from and including the date on which all of the documents and fees specified in subsection (a) of this Section have been filed with the Securities Department; and
- 5) There shall have been filed with the Securities Department in Springfield a statement from the applicant, in writing (which may be by telegraphic, electronic or facsimile transmission), dated not earlier than the first business day preceding the date on which the registration statement under Section 7.A 7(f) of the Act is to take effect, stating that:
 - A) The registration statement filed under the Federal 1933 Act as defined in Section 130.200 of this Part, is then in effect; and
 - B) The registration statement, including any amendments or supplements thereto, then on file with the Securities Department satisfies the requirements of Section 10(a)(3) of the Federal 1933 Act as defined in Section 130.200 of this Part.
- d) The applicant shall file notice with the Securities Department, in writing (which may be by telegraphic, electronic or facsimile transmission), no later than the close of business on the second business day following the later of the effective date or the date on which the registration under Section 7.A 7(f) of the Act shall take effect, of the date and time that the registration statement, or if the applicant is electing the date of effectiveness of a post-effective amendment, that the post-effective amendment, became effective under the Federal 1933 Act as defined in Section 130.200 of this Part.
- e) Any amendment to a registration under Section 7.A 7(f) of the Act to add any series, class or portfolio classes of shares of the same rank, general description and characteristics of the investment fund shares previously registered shall be filed with the Securities Department in Springfield prior to the offer or sale of the additional series, class or portfolio classes of investment fund shares in this State. Such amendment shall be accompanied by the additional registration fee required by Section 7.D 7(d) of the Act in the form and amount specified in Section 130.110 of this Part.
- f) The issuer, controlling person or registered dealer who filed the

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application may petition the Securities Department in writing prior to the effectiveness of the registration of the investment fund shares under the Federal 1933 Act, as defined in Section 130.200 of this Part, for a waiver of automatic effectiveness of the registration of the investment fund shares under the Act if such effectiveness would cause the issuer, controlling person or registered dealer to violate any provision of the Act or this Section. The Securities Department shall notify the issuer, controlling person or registered dealer in writing of the Secretary's decision to grant or deny any request for waiver of automatic effectiveness. If the waiver is granted, the registration of the investment fund shares shall become effective automatically on such date as shall be designated in writing by the issuer, controlling person or registered dealer who filed the application, provided that such person has satisfied all of the requirements of the Act and this Section.

(Source: Amended at 20 Ill. Reg. **14185**, effective **OCT 21 1996**)

SUBPART H: REGISTRATION OF DEALERS, SALESPERSONS AND INVESTMENT ADVISERS

Section 130.810 Procedures for Registration as a Dealer Under Section 9.B 8(f)

of the Act

No person shall be registered as a dealer unless satisfactory evidence shall have been furnished to the Secretary of the trustworthiness of the applicant and the applicant's officers, directors, partners, principal members or trustees. No person shall be registered as a dealer until that person shall have given evidence of competency to engage in the business of dealing in, buying or selling securities. Every person or officer who sells securities in this State shall be deemed to be a salesperson and must be registered as such in accordance with Section 8.C 8(c) of the Act.

- a) Each applicant for registration as a dealer shall deliver to the NASD Form BD as provided in Appendix C or, if already on file with the NASD, the requisite amendment which indicates that an application is on file in this State and pay to the NASD the registration fee specified in Section 130.110 of this Part.
- b) Each applicant for registration as a dealer shall file with the Securities Department a complete and current application and pay to the Securities Department the branch office fee, if any, specified in Section 130.110 of this Part. The application shall consist of the following:
 - 1) Form BD together with Schedule E thereto listing each branch office in this State, if any;
 - 2) A Consent-to-Service-of-Process for the applicant on Uniform-Form B-27--or-illinois-Form-10-or-the-Consent-set-forth-in-Form-BD7-if-any7--unless-the-applicant-is-a-corporation--organized--or-authorized-to-transact-business-under-the-laws-of-this-State7

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23) An unaudited balance sheet for the applicant verified by the chief financial officer of the dealer or other person who holds a similar position as of a date not more than sixty-(60) days prior to the date that the application is deemed to be filed with the Securities Department and applicable computations which demonstrate compliance with Section 130.826 of this Part as of the date of the balance sheet, together with the most recent statement of financial condition, income statement or other financial statement of the dealer certified by an independent certified public accountant, if any;

34) One copy of the Illinois Form designating each principal of the dealer;

45) One copy of the Illinois Form designating the dealer's accountant and the dealer's annual audit date;

67) One copy of the Illinois Form containing an attestation that the dealer did not engage in the sale of securities in this State during the last five-(5) years immediately preceding the filing of the application; or setting forth a claim of exemption for each sale of securities in the State;

57) One copy of the Illinois Form setting forth the dealer's minimum net capital requirement;

60) One copy of each subordinated loan agreement on the form provided in Appendix D, if any, between the dealer and any officer, director, partner or manager of the dealer or other person; which loan agreement, if any, shall be in the form required by the NASD;

79) One copy of the most current form of applicant's Articles of Incorporation or charter and By-laws, or Partnership Agreement, as applicable, or such other document, if any, by which an applicant that is not a natural person was formed;

810) If the applicant will not have its principal office in this State and intends to keep the records required under Section 130.825 of this Part outside of this State, one copy of the Illinois Form requesting a waiver of the requirement to maintain its records in this State;

911) Page (2) of Form U-4 for each officer and director of the dealer, except that for applicants that are members of the NASD, such page (2) need only be submitted for those officers and directors for whom a Form U-4 has not been filed with the Securities Department on the behalf of the applicant through the CRD; and

1012) Any other information or document that the Securities Department may require to determine the dealer's business reputation or to clarify statements made in the application for registration.

c) Each person applying for registration as a dealer shall give evidence of competency to engage in the business of dealing in, buying or selling securities by passing one of the examinations listed in

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Section 130.822 of this Part by a score of 70% correct, to demonstrate to the Secretary that the principal or principals have sufficient knowledge of the securities business and the laws relating thereto. In the case of a person, other than a natural person, filing an application for registration as a dealer, all of the principals who, on behalf of the applicant, participate in or are responsible for the sale of securities in this State are required to take such an examination on behalf of the applicant. Each registered dealer shall amend the list not later than ten (10) business days after any change of any principal or principals.

d) At or prior to registration of the dealer, there must be on file with the Securities Department, whether through the CRD or otherwise, the following:

1) Proof of passing one or more of the requisite examinations listed in Section 130.822 of this Part for each principal required to take such examination pursuant to subsection (c) of this Section, unless the Secretary shall have issued an Order waiving such examination requirements pursuant to Section 130.823 of this Part and Section 8.B(9) 8(b)(9) of the Act;

2) A Form U-4 for each officer and director or each other person performing a similar function of the applicant who is required to register as a salesperson as provided in this Section, and a page (2) of Form U-4 for each other officer or director of the applicant;

3) Any and all amendments required to the application and documents filed pursuant to subsection (a) of this Section, whether as the result of a change in the information provided since the date of filing, or otherwise; and

4) In the case of a dealer which is not a member of the NASD, an application for registration of a salesperson on Form U-4. The Securities Department shall grant concurrent registration of a salesperson pursuant to such application upon the registration of the dealer unless such dealer person is ineligible for registration under Section 8.E(1) 8(b)(1) of the Act. At least one salesperson must be registered on behalf of a dealer which is an NASD member by the Securities Department prior to within ten (10) days after the grant of registration. Notwithstanding the foregoing, any dealer which effects trades solely as a clearing dealer on behalf of other dealers need not register any salesperson.

e) Upon the grant of registration of a dealer, the Securities Department shall send to the dealer a certificate as evidence of such registration. The certificate shall be displayed in the dealer's principal office in this State, and a facsimile thereof shall be displayed in each other office in this State, in each case, in a location conspicuous to the public. If the dealer has no office in this State, the certificate shall be so displayed at the dealer's principal place of business.

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e) The application and documents on file with the Securities Department with respect to the dealer shall be amended from time to time whenever a change occurs which renders the information contained therein not accurate in any material respect. Such amendment shall be filed with the NASD₇ if the dealer is a member of the NASD, or with the Securities Department if the dealer is not a member of the NASD, within ten (10) business days after the occurrence of the change.

f) For the limited purpose of this Section and solely to implement a supplemental procedure known as the CRD, a computer based registration system, for the registration and re-registration of dealers and salespersons, the term "in the Office of the Secretary of State", as used in Sections 8.B (4)(b) and 8.C (4)(f) of the Act, and "with the Secretary of State", as used in Section 8.H (4)(f) of the Act, and "with the Securities Department", as used in Section 130.820 of this Part, shall include a filing made with the NASD utilizing the single automated system referred to hereinabove as the CRD.

(Source: Amended at 20 Ill. Reg. 14185, effective Oct 21 1996)

Section 130.811 Procedures for Perfecting an Investment Adviser Exemption under Section 2.11(6) of the Act (Repealed)

- a) The Secretary of State or a designated representative shall issue an appropriate order upon the application for exemption from the definition of "investment adviser" under Section 2.11(6) of the Act of any person including but not limited to those persons rendering investment advice to those entities enumerated in Section 4(d) of the Act or concerning those securities described in Section 3A of the Act provided that the applicant shall petition the Secretary of State in writing and submit the following information:
- 1) the name and address of the person seeking the exemption;
 - 2) if other than a natural person, its legal status and date of formation and a statement indicating its authorization to do business in this State;
 - 3) a statement that the person will not generally advise or generally solicit with respect to the services in this State;
 - 4) a statement detailing to whom the services will be offered in this State;
 - 5) a statement detailing the type of services to be offered in this State;
 - 6) a schedule of fees to be charged for services rendered in this State;
 - 7) any other information deemed necessary by the Secretary of State.
- b) The Secretary of State or a designated representative may grant the petition and enter an order of exemption or deny the petition and set the matter for administrative hearing within 30 days of such denial.

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(Source: Repealed at 20 Ill. Reg. 14185, effective Oct 21 1996)

Section 130.820 Procedures for Renewal and Withdrawal from Registration as a Dealer

a) If a registered dealer elects to withdraw its registration in this State, it shall file a Form BDW with the NASD₇ if the dealer is a member of the NASD, or with the Securities Department if the dealer is not a member of the NASD, indicating such intent.

b) If a registered dealer wishes to renew its registration, it shall file the renewal fee as specified in Section 130.110 of this Part with the NASD₇ if the dealer is a member of the NASD, or with the Securities Department if the dealer is not a member of the NASD. Any amended Form BD shall also be filed with the NASD₇ if the dealer is a member of the NASD, or with the Securities Department if the dealer is not a member of the NASD, within 30 ten (10) business days if any material changes occur in the information that was filed with the Securities Department when the dealer applied for registration.

c) After the fee for renewal is filed with the NASD is forwarded to the Securities Department, the Securities Department shall issue the dealer a certificate of registration pursuant to Section 8(f) of the Act. The certificate shall be displayed in a manner conspicuous to the public in the dealer's main office in this State, if any, and a copy of the certificate shall be displayed in each branch office in this State.

(Source: Amended at 20 Ill. Reg. 14185, effective Oct 21 1996)

Section 130.822 Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge of Each Principal Under Section 8.B(9)(a) 8(B)(9)(a) of the Act Prior to Registration as a Dealer

- a) Passage of the Series 24 (formerly Series 40 or Series 00) (General Securities Principal Examination) and the Series 63 (Uniform Securities Act Law Examination) or Series 66 (Uniform Combined State Law Examination) conducted by the NASD shall qualify a principal or principals of legal age in this State on behalf of a registered dealer without limitation in this State.
- b) Passage of the Series 26, 39 or 53 Examination examination and the Series 63 Examination (Uniform Securities Act Law Examination) or Series 66 (Uniform Combined State Law Examination) conducted by the NASD shall qualify by examination a principal or principals of legal age in this State on behalf of a registered dealer for registration in a limited capacity in this State.

1) The Series 26 Examination examination (Investment Company/Variable Contracts Products (ICVC) Principal Examination)

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and Series 63 (Uniform Securities Act Law Examination) or Series 66 (Uniform Combined State Law Examination) shall qualify the registered dealer to offer or sell variable annuities or securities issued by investment companies.

2) The Series 39 (Direct Participation Programs Principal (DPP) Examination) and Series 63 (Uniform Securities Act Law Examination) or Series 66 (Uniform Combined State Law Examination) shall qualify the registered dealer to offer or sell direct participation programs in the form of limited partnerships or joint venture interests in tax shelter programs.

3) The Series 53 (Municipal Securities Principal Examination) and Series 63 (Uniform Securities Act Law Examination) or Series 66 (Uniform Combined State Law Examination) shall qualify the registered dealer to offer or sell securities of municipalities or industrial development revenue obligations.

c) All scheduling for the examinations referred to in subsections (a) and (b) of this Section shall be made with, and fees paid to, an office of the NASD. The applicant for registration as a dealer shall submit in writing satisfactory evidence of passing the examination prior to registration in this State if such information is not available to the Securities Department through the CRD.

(Source: Amended at 20 Ill. Reg. 14185, effective OCT 21 1996)

Section 130.825 Records Required of Dealers and Customer Fees

a) Every dealer registered by the Secretary of State shall keep the following books and records ~~set-out-in-this-section~~:

1) blotters (or other records of original entry) containing an itemized daily record of all purchases and sales of securities, all receipts and deliveries of securities (including certificate numbers), all receipts and disbursements of cash and all other debits and credits. The record shall show the account for which each transaction was effected, the name and amount of securities, the unit and aggregate purchase or sale price (if any), the trade date, and the name or other designation of the person from whom purchased or received or to whom sold or delivered;

2) ledgers (or other records) reflecting all assets and liabilities, income, and expense and capital accounts;

3) ledger accounts itemizing separately as to each cash and margin account of every customer and of the dealer and partners thereof, all purchases, sales, receipts and deliveries of securities and commodities for the account and all other debits and credits to the account;

4) ledgers (or other records) reflecting the following:

- A) securities in transfer
- B) dividends and interest received

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C) securities borrowed and securities loaned
D) monies borrowed and monies loaned (together with a record of the collateral thereof and any substitutions in the collateral)

E) securities failed to receive and failed to deliver;
5) a securities record or ledger reflecting separately for each security as of the clearance dates, all "long" or "short" positions (including securities in safekeeping) carried by the dealer for its account or for the account of its customers or partners and showing the location of all securities long and offsetting position to all securities short and in all cases the name or designation of the account in which each position is carried;

6) a memorandum of each brokerage order, and of any other instruction, given or received for the purchase or sale of securities whether executed or unexecuted. The memorandum shall show the terms and conditions of the order or instructions and of any modification or cancellation thereof, the account for which entered, the time of entry, the price at which executed and, to the extent feasible, the time of execution or cancellation. Orders entered pursuant to the exercise of discretionary power by the dealer, or any employee thereof, shall be so designated. The term "instruction" shall be deemed to include instructions between partners and employees of a dealer. The term "time of entry" shall be deemed to mean the time when such dealer transmits the order or instruction for execution, or, if it is not so transmitted, the time when it is received;

7) a memorandum of each purchase and sale of securities for the account of the dealer showing the price and, to the extent feasible, the time of execution;

8) copies of confirmations of all purchases and sales of securities and copies of notices of all other debits and credits for securities, cash and other items for the account of customers and partners of the dealer;

9) a record in respect of each cash and margin account with the dealer containing the name and address of the beneficial owner of the--owner; provided that, in the case of a joint account or an account of a corporation, the records are required only in respect of the person or persons authorized to transact business for the account;

10) a record of all puts, calls, spreads, straddles and other options in which the dealer has any direct or indirect interest or which the dealer has granted or guaranteed, containing, at least, an identification of the security and the number of units involved.

b) This Section shall not be deemed to require a member of a national securities exchange to make or keep records of transactions cleared for the member by another member as are customarily made and kept by the clearing member.

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c) Every dealer registered by the Secretary of State shall preserve, for a period of not less than 3 years, the first 2 years in an easily accessible place:

- 1) all check books, bank statements, cancelled checks and cash reconciliations;
 - 2) all bills receivable or payable (or copies thereof), paid or unpaid, relating to the business of the dealer;
 - 3) originals of all communications received and copies of all communications sent by the dealer (including interoffice memoranda and communications) relating to the business of the dealer;
 - 4) all trial balances, computation of aggregate indebtedness and net capital (and working papers in connection therewith), financial statements, branch office reconciliations and internal audit working papers relating to the business of the dealer;
 - 5) all guarantees of accounts and all powers of attorney and other evidence of the granting of any discretionary authority given in respect of any account, and copies of the resolution empowering an agent to act on behalf of a corporation;
 - 6) all written agreements (or copies thereof) entered into by a dealer relating to business of the dealer, including agreements with respect to any account.
- d) For a period of not less than 3 years after the closing of any customer's account, any account cards or records which relate to the terms and conditions with respect to the opening and maintenance of the account shall be preserved by every registered dealer.
- e) Every registered dealer shall preserve during the life of the enterprise and of any successor enterprise all partnership agreements, certificates or articles or, in the case of a corporation, all articles of incorporation or charter, minute books and stock certificate books.
- f) After a record or other documents have been preserved for 2 years, a photograph thereof on film may be substituted therefor therefore for the balance of the required time.
- g) Every dealer registered by the Secretary of State shall maintain within this State state, in an easily accessible place, all records required by this Section. A written request for the waiver of the provisions of this Section may be made to the Secretary of State to permit any registered dealer to maintain any of the records required by this Section, in some place other than the State of Illinois. In determining whether or not the provisions of this Section should be waived, the Secretary of State shall consider, among other things, whether the main office of the dealer is in a place outside the State of Illinois or whether the dealer clears all or some of its transactions and uses all or some of the bookkeeping facilities of some other dealer whose main office is outside the State of Illinois.
- h) The records (or a copy thereof) required by this Section must be maintained in each office in this State, if any, from which the

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transaction transcripts with respect to those records occurred. Every dealer shall disclose in writing to customers at the time of opening an account, any custody, service, maintenance or similar fee that may be charged to the customer and the basis upon which each charge is determined. Customers shall receive written notice at least 45 days prior to the imposition of any new custody, service, maintenance or similar fee, or any changes to existing fees of that nature.

(Source: Amended at 20 Ill. Reg. 14185, effective OCT 24 1996)

Section 130.829 Investor Protection Requirement of a Dealer Registered Under Section 8 of the Act

- a) Each ~~On-and-after--March--20--1990~~--each dealer registered or re-registered with the Secretary under Section 8.B 8(B) of the Act shall be a member in good standing of the NASD, such as not being under suspension or revocation or having failed to pay dues or assessments; or
- b) Each ~~On-and-after--March--20--1990~~--each dealer registered or re-registered with the Secretary under Section 8.B 8(B) of the Act shall be a member in good standing of the Securities Investor Protection Corporation as established in the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), as amended, such as not being under suspension or revocation or having failed to pay dues or assessments, or such other equivalent instrumentality of or corporation chartered by the United States which provides investor protection as authorized under federal law, except for the following dealers if they do not hold clients' cash or securities:

- 1) A dealer whose principal business in the Securities Investor Protection Corporation's determination is conducted outside the United States, its possessions and territories;
- 2) Any bank (other than a bank organized under the banking laws of the State of Illinois or of the United States) registered as a municipal securities dealer with the SEC, pursuant to 17 CFR 240.15Ba(2-1), as in effect on January 1, 1996 1989 (no subsequent amendments or editions);
- 3) A government securities dealer registered under 17 CFR 240.15C(a)(1)(A), as in effect on January 1, 1996 1989 (no subsequent amendments or editions); and
- 4) A dealer whose business consists exclusively of one or more of the following:

- A) the distribution of shares of registered open end investment companies or unit investment trusts registered under Section 8 of the Federal 1940 Investment Company Act, as defined in Section 130.200 of this Part, Section 5 of the Federal 1933 Act, as defined in Section 130.200 of this Part, and Section

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- 5 or 7 of the Act;
B) the sale of variable annuities;
C) the business of insurance; or
D) the business of rendering investment advisory services to one or more investment companies registered under the Federal 1940 Investment Company Act, as defined in Section 130.200 of this Part, or to insurance company separate accounts.

(Source: Amended at 20 Ill. Reg. **14185**, effective **OCT 21 1996**)

Section 130.840 Procedures for Registration as an Investment Adviser Under Section 8.D 840 of the Act

- a) Each applicant for registration as an investment adviser shall file with the Securities Department a complete and current application and pay to the Securities Department the filing fee and branch office fee, if any, specified in Section 130.110 of this Part. The application shall consist of the following:
- 1) The Uniform Application for Investment Adviser Registration required by 17 CFR 279.1 as in effect on January 1, 1996 and 17 CFR 279.17 (no subsequent amendments or editions) including Schedule E thereto listing all branch offices in this State, if any;

- 2) A Consent to Service of Process for the investment adviser on the Uniform Application for Investment Adviser Registration required in subsection (a)(1) of this Section, Uniform Form U-2, or Illinois Form 10, unless the applicant is a corporation organized or authorized to transact business under the laws of this State;
- 3) A balance sheet for the investment adviser as of a date not more than sixty (60) days prior to the date of the filing of the application. The balance sheet shall be verified and executed by the chief financial officer of the investment adviser, if any, or other person performing preforming a similar function and must contain:
 - A) an affirmation that the information is true and correct; and
 - B) a statement disclosing whether the investment adviser retains or during the term of registration will retain custody of any client's cash or securities or accept prepayment of fees in excess of \$500.00 per client and six (6) or more months in advance;
- 4) One copy of the applicant's Articles of Incorporation or, if a partnership, certificate of assumed name and a copy of any amendments thereto;
- 5) At or prior to registration of the investment adviser, there shall be on file with the Securities Department, whether through the CRD or otherwise, the following:
 - A) Proof of passing one or more of the requisite examinations,

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certifications or designations listed in Section 130.842 of this Part for each required principal, unless the Secretary shall have issued an order waiving such requirement pursuant to Section 8.D 840 of the Act; and

- B) Any and all amendments required to the application and documents filed pursuant to subsection (a) of this Section, whether as a result of a change in the information provided since the date of filing or otherwise.
- 6) One copy of Form 8D(10) or Schedule D of the Uniform Application for Investment Adviser Registration, as required by subsection(a)(1) of this Section listing the name and address of each investment adviser representative who renders investment advice in this State on behalf of the applicant;
- 7) One copy of the Illinois Form containing the investment adviser's designated audit date, if other than fiscal year end;
- 8) One copy of the Illinois Form containing an attestation that the investment adviser has not previously rendered investment advice for compensation in this State, or setting forth a claim of exemption or exclusion;
- 9) One copy of a written statement manually executed by an officer, partner or principal of the registered dealer consenting to the dual registration as investment adviser and salesperson, if registered required as a salesperson in this State; and
- 10) One copy of the Illinois Form containing an attestation from a principal officer, general partner or sole proprietor that:
 - A) he or she has read and understands the Act and this Part; and
 - B) he or she will cause each investment adviser representative acting on behalf of the investment adviser in this State to read and understand the Act and this Part.
- b) Upon the grant of registration of an investment adviser, the Securities Department shall send to the investment adviser a certificate as evidence of such registration. The certificate shall be displayed in the investment adviser's principal office in this State, if any, and a facsimile thereof shall be displayed in each branch office in this State in each case, in a location conspicuous to the public. If the investment adviser has no office in this State, the certificate shall be so displayed at the investment adviser's principal place of business.
- be) The application and documents on file with the Securities Department with respect to the investment adviser shall be amended from time to time whenever a change occurs which renders any material information contained therein not accurate in any material respect. Such amendment shall be filed with the Securities Department within ten (10) business days after the occurrence of the change.
- c) For purposes of this Section, material information includes, but is not limited to:
 - 1) the name and address of the investment adviser;

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- 2) type of business organization of the investment adviser;
- 3) disciplinary action concerning the investment adviser;
- 4) whether the investment adviser has custody of clients' funds or securities or accepts pre-payment of in excess of \$500.00;
- 5) whether the investment adviser has discretion over clients' portfolios; or
- 6) whether the investment adviser will give clients Part II of the Uniform Application for Investment Adviser Registration required by subsection (a)(1) of this Section or another document containing the same information.

(Source: amended at 20 Ill. Reg. **14185**, effective **Oct 21, 1996**)

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- 1) Heading of the Part: Registration of Voters

- 2) Code Citation: 26 Ill. Adm. Code 216

- 3) Sections Numbers:
 Emergency Action:
 216.10 New Section
 216.20 New Section
 216.30 New Section
 216.40 New Section
 216.50 New Section
 216.60 New Section
 216.70 New Section
 216.80 New Section
 216.90 New Section
 216.100 New Section
 216. Exhibit A New Section
 216. Exhibit B New Section
 216. Exhibit C New Section
 216. Exhibit D New Section
 216. Exhibit E New Section
 216. Exhibit F New Section
 216. Exhibit G New Section
 216. Exhibit H New Section

- 4) Statutory Authority: Implementing the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) and authorized by Article 1, Section 4 of the United States Constitution and by Sections 1A-8(4), (9) and (12) of the Illinois Election Code [10 ILCS 5/1A-8(4), (9) and (12)].

- 5) Effective Date: October 22, 1996

- 6) If these emergency rules are to expire before the end of the 150 day period, please specify the date on which they are to expire: The emergency rules will expire on the date of adoption of rules under the ordinary rulemaking process.

- 7) Date Filed in Agency's Principal Office: October 21, 1996

- 8) Reason for Emergency: The Order of the District Court entered March 28, 1995, affirmed by the United States Court of Appeals for the 7th Circuit on June 5, 1995, requires Illinois to implement the National Voter Registration Act of 1993 (NVRA) (42 U.S.C. 1973gg et seq.) for federal elections only. The effective date of the NVRA for Illinois was January 1, 1995. Subsequent to the decision of the United States District Court, the Circuit Court of Cook County ordered that Illinois cease the operation of a dual registration system, requiring separate registration for federal offices only and for full ballot entitlement. The court's order was effective upon the affirmation of the Circuit Court by the Illinois

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Appellate Court for the First District. In the opinion of the State Board of Elections, compliance with both federal and State court decisions can only be met by applying federal election requirements to all federal, State and local elections in Illinois.

- 9) A Complete Description of the Subjects and Issues Involved: The emergency rules, comprising an entirely new Part of Title 26 of the Illinois Administrative Code, provide 1) a set of procedures for registering voters to vote, irrespective of the kind of election; 2) a set of standards for removing voters from eligibility to vote; 3) a set of procedures for voting for federal office only by persons whose addresses have changed and for updating registration information of all voters who move from one precinct to another within the election jurisdiction; 4) forms to facilitate both the registration of voters and for the maintenance of eligibility lists of such voters; and 5) requirements and procedures for record keeping under NVRA. The voter registration procedures set out in the new Part are in addition to means provided in the Election Code [10 ILCS 5/1-1] for registering to vote in all elections and do not affect the voter registration of persons already registered to vote in Illinois, except to redefine the circumstances under which a voter loses his or her eligibility to vote.

- 10) Are there any other proposed amendments pending on this Part? No

- 11) Statement of Statewide Policy Objectives: The emergency rules should not affect local governments falling within the definition of Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)]. The rules may decrease administrative costs to election authorities, including county clerks and boards of election commissioners, compared to costs incurred under a dual registration system.

- 12) Information and Questions Regarding this Emergency Amendment Shall be Directed to:

State Board of Elections
A. L. Zimmer, General Counsel
James R. Thompson Center
100 West Randolph Street
Suite 14-100
Chicago, IL 60601
(312) 814-6477

The full text of the Emergency Rules begins on the next page:

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NOTICE OF EMERGENCY RULES

TITLE 26: ELECTIONS

CHAPTER I: STATE BOARD OF ELECTIONS

PART 216

REGISTRATION OF VOTERS

Section	
216.10	Applicability
Emergency	
216.20	Definitions
Emergency	
216.30	Receipt of Voter Registration Applications
Emergency	
216.40	Maintaining Voter Records
Emergency	
216.50	Canceling Voter Registrations
Emergency	
216.60	Forms
Emergency	
216.70	Processing Voter Registration Applications
Emergency	
216.80	Documenting Transactions
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216.100	Designation of Chief State Election Official
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Exhibit A	Voter Registration Application - Illinois
Emergency	
Exhibit B	Voter Registration Information
Emergency	
Exhibit C	Voter Registration Application Transmittal
Emergency	
Exhibit D	Disposition of Registration
Emergency	
Exhibit E	Voter Identification Card
Emergency	
Exhibit F	Confirmation of Address
Emergency	
Exhibit G	Registration Deadline Notice
Emergency	
Exhibit H	Address Correction for Fail Safe Voter
Emergency	

AUTHORITY: Implementing the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) and authorized by Sections 1A-8(4), (9) and (12) of the Election Code [10 ILCS 5/1A-8(4), (9) and (12)]

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SOURCE: Emergency adoption at 20 Ill. Reg. **14247**, effective **OCT 22 1996**, 1996 for a maximum of 150 days.

Section 216.10 Applicability Emergency

- a) This Part implements the National Voter Registration Act of 1993 [42 U.S.C. Sections 1973gg et seq.] and the order of the Circuit Court of Cook County entered May 1, 1996 in *Ort, et al., v. Edgar, et al.*, 95 CO 246 and 95 CO 248 (Consolidated).
- b) The requirements and procedures contained in this Part apply to election authorities accepting or transmitting Voter Registration Applications under the provisions of the National Voter Registration Act of 1993 and/or maintaining voter registration records under the provisions of Articles 4, 5, 6, and 6A of the Election Code.
- c) The provisions of this Part are additional to any other method or provision for registration to vote contained in the Illinois Election Code [10 ILCS 5/1-1 et seq.].
- d) Unless a provision to the contrary is made by this Part, the requirements of the Election Code remain applicable to voter registration cards and to Voter Registration Applications.

Section 216.20 Definitions Emergency

- a) "Applicant" -- An applicant for purposes of this Part is a person who appears in person to:
 - 1) request the Secretary of State of Illinois to issue a driver's license, including renewals and change of address or an identification card;
 - 2) sign a request to receive public assistance or to renew a request for public assistance, or certify that he or she remains eligible for public assistance from a township government in counties under township organization, or from the county commissioners of a county not under township organization;
 - 3) meet the definition of an applicant under the statutes or rules which govern the administration of certain social services programs administered by designated agencies of the State of Illinois; or
 - 4) submit directly to an election authority a Voter Registration Application designed by the Illinois State Board of Elections or the National Mail Voter Registration Booklet designed by the United States Federal Election Commission.
- b) "Application" or "Voter Registration Application" -- An application or Voter Registration Application for the purposes of this Part is a Illinois Voter Registration Application designed by the Illinois State Board of Elections or the National Mail Voter Registration Booklet designed by the United States Federal Election Commission or

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- a document with identical purpose and conforming to the requirements of the National Voter Registration Act of 1993 and this Part generated by the Illinois Secretary of State, a designated agency, or an election authority.
- c) "County" -- County includes parish in the State of Louisiana.
 - d) "Deputy registrar" -- A deputy registrar is a person appointed by an election authority for the limited and particular purpose of registering persons to vote in all elections in Illinois by use of the triplicate registration card. For purposes of this Section deputy registrar does not include an employee or contractor of the Secretary of State, designated agency, or township supervisor or county commissioner who accepts Voter Registration Applications but who is not so appointed, or any armed forces personnel designated by the United States Department of Defense to accept Voter Registration Applications not so appointed.
 - e) "Designated agency" -- A designated agency is an agency of the State of Illinois or its contractors selected by the Governor of the State of Illinois to provide an opportunity to its clients to register to vote at the time the client applies for, or reapplies for, or is recertified for services from one or more programs administered by the agency.
 - f) "Election authority" -- An election authority is a city board of elections commissioners, a county board of elections commissioners, or a county clerk in counties not under the management of a county board of elections commissioners.
 - g) "Federal election" -- For purposes of voter registration and voting by voters on inactive status, a federal election is a general or special election, including primary elections, for any federal office and a presidential preference primary election. For purposes of maintaining inactive status voters who have registered to vote once transferred and for keeping statistics required by Section 216.80 of this Part with respect to Voter Registration Applications, a federal election is a general election, excluding the general primary election.
 - h) "Federal office" -- Federal office includes electors to elect the President and Vice-President of the United States, United States Senators and Members of the United States Congress.
 - i) "Inactive voter" -- An inactive voter is a person who, having once submitted a Voter Registration Application subsequently acknowledged by the election authority having jurisdiction over the voter's place of residence, or a registration card, has not responded to a notice to confirm his or her address, but whose authority to vote has not yet been canceled.
 - j) "Non-discriminatory" -- Non-discriminatory means without intentionally differing treatment of an individual by reason of his or her racial, religious, ethnic, political party, gender, or linguistic characteristics, or without intentional or unintentional disparate impact upon a group of persons identified by racial, religious, ethnic, political party, gender or linguistic characteristics.

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- k) "Record" -- A record is a Voter Registration Application which has been accepted and acknowledged by an election authority. Record includes Voter Registration Applications which have been placed in a file of inactive voters, but does not include rejected or unacknowledged Voter Registration Applications.
- l) "Secretary of State" -- Secretary of State means the Division of Driver Services of the Office of the Illinois Secretary of State.
- m) "State" -- State includes Commonwealth where applicable.
- n) "Voter Registration Card" -- A Voter Registration Card is a voter registration card authorized by the Illinois Election Code and used by election authorities to enroll voters to vote prior to the enactment of the National Voter Registration Act of 1993 and presently.

Section 216.30 Receipt of Voter Registration Applications Emergency

- a) This Section implements Sections 4, 5, 6, and 7 of the National Voter Registration Act of 1993 (42 U.S.C. Sections 1973gg-2, gg-3, gg-4, and gg-5) and the order of the Circuit Court of Cook County entered May 1, 1996 in *Orr, et al., v. Edgar, et al.*, 95 CO 246 and 95 CO 248 (Consolidated).
- b) Each election authority is authorized and directed to accept Voter Registration Applications tendered to it under circumstances complying with the provisions of the National Voter Registration Act of 1993, by the Secretary of State, designated agencies, county clerks and Board of Election Authorities and their employees and deputy registrars, township supervisors, county commissioners of counties not under township organization, recruitment offices of the United States Department of Defense and individual applicants using the United States Postal Service.
- c) Each Voter Registration Application so accepted shall be processed by the election authority according to the provisions of the National Voter Registration Act of 1993, and each Voter Registration Application acknowledged by an election authority shall entitle the applicant to vote in all elections conducted in the State of Illinois under the Illinois Election Code.
- d) Each election authority shall acknowledge every Voter Registration Application and Voter Registration Card which conforms to the requirements of the National Voter Registration Act of 1993 and this Part submitted by qualified voters as defined by 10 ILCS 5/3-1. Voter Registration Applications and Voter Registration Cards not conforming to the requirements of the National Voter Registration Act of 1993 shall be processed according to this Part.

Section 216.40 Maintaining Voter Records Emergency

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- a) This Section implements Section 8 of the National Voter Registration Act of 1993 (42 U.S.C. Sections 1973gg-5 and gg-6) and the order of the Circuit Court of Cook County entered May 1, 1996 in *Orr, et al., v. Edgar, et al.*, 95 CO 246 and 95 CO 248 (Consolidated).
- b) Each election authority shall enter any Voter Registration Application it acknowledges into its master file of registered voters.
- c) Each election authority shall make a copy of each Voter Registration Application it acknowledges and place such copy in the precinct binder of the precinct in which the applicant resides, or, where voter registration data is kept by signature digitization systems, enter such data into the signature digitization system.
- d) At each election it conducts, each election authority shall send to each precinct polling place in its jurisdiction the precinct binder for that precinct or such list of eligible voters prepared by a signature digitization system as may be allowed by statute and rule of the State Board of Elections.
- e) Beginning January 1, 1997, each election authority shall, at each election it conducts, prepare for each precinct polling place in its jurisdiction, a list or file of all Voter Registration Applications and Voter Registration Cards that have been transferred to inactive status in that precinct. Such list shall either, in the discretion of the election authority, include or be entirely composed of a computer-generated list of the electronically stored Voter Registration Applications and Voter Registration Cards of that precinct. The information to be included in the computer stored data shall be the name, address, date of birth, last four digits of the social security number and a computer-generated duplicate of the signature of the applicant. Such list, to the extent that it is not composed of a list generated from electronically stored data, shall consist of copies of Voter Registration Applications and duplicate Voter Registration Cards.
- f) Each election authority shall keep all records concerning the implementation of programs and activities conducted to maintain the accuracy and currency of voter registration files for at least two years. Such records shall be made available to the public for inspection and where facilities permit, copies shall be provided at reasonable cost. However, nothing in this Section or any other to the contrary withholding, information that relates to a voter's declination to register or identifies the agency through which a voter registered shall remain confidential.
- g) Election authorities shall maintain a list of all voters to whom a forwardable confirmation of address notice has been sent. Such list shall note whether the voter has responded to the notice. The list shall be made available to the public and be current as of the date the request for public inspection is made.
- h) Not earlier than February 1 and not later than March 1 of each odd-numbered year, each election authority shall report to the State Board of Elections the number of forwardable confirmation of address

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notices mailed and the number of responses received between the two previous federal elections.

Section 216.50 Canceling Voter Registrations Emergency

- a) This Section implements Section 8 of the National Voter Registration Act of 1993 (42 U.S.C. Sections 1973gg-5 and gg-6) and the order of the Circuit Court of Cook County entered May 1, 1996 in *Orr, et al., v. Edgar, et al.*, 95 CO 246 and 95 CO 248 (Consolidated).
- b) No voter registration may be canceled without following the procedures and providing the notice of suspension or cancellation required by Section 8(a) through (d) of the National Voter Registration Act of 1993. The Voter Registration Application or the Voter Registration Card of an inactive voter who has not voted in two consecutive general federal elections shall be canceled at the completion of procedures set forth in Section 8(d) of the National Voter Registration Act of 1993, provided that while such procedures are pending, the voter has taken no act specified in the National Voter Registration Act of 1993 to restore his or her name to active voter status.
- c) An election authority shall cancel the Voter Registration Application or Voter Registration Card of a voter upon receipt of a request in writing from the voter to do so. A written acknowledgment by the voter that he or she has changed residence to a place beyond the jurisdiction of the election authority or an attempt to register in another jurisdiction shall be deemed a request to cancel the voter registration.
- d) A voter's registration shall be canceled upon the election authority's receipt of:
 - 1) a notice from the State Board of Elections that the voter has been incarcerated in a United States correctional facility by reason of conviction;
 - 2) a certified notice from the a state department of corrections or a sheriff of a county in the United States that the voter has been incarcerated in a state or county correctional facility, as the case may be, if:
 - A) the certified notice states on its face that the incarceration is a result of a criminal conviction and the crime of which the voter has been convicted, or
 - B) the certified notice is accompanied by a certified judgment of conviction or equivalent document issued by the court in which the conviction was obtained;
 - 3) a certified copy of a judgment of conviction from a court of record that the voter has been convicted of a crime in which it was found that the voter lacked the requisite qualifications to be a voter in Illinois either at the time of conviction or at the time application was made to become a voter, whether or not the voter was incarcerated as a result of such conviction;

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- 4) a certified copy of a final judgment order of a court of record or a certified copy of the final determination of an administrative tribunal having jurisdiction in which it was found that the voter lacked the requisite qualifications to be a voter in Illinois either at the time of entry of the judgment or determination, or at the time application was made to become a voter; or
- 5) a certified copy of the voter's death certificate or equivalent document issued by a department of vital records, wherever situated.

Section 216.60 Forms Emergency

- a) This Section implements Sections 5, 6, 7 and 8 of the National Voter Registration Act of 1993 (42 U.S.C. Sections 1973gg-3, gg-4, gg-5 and gg-6) and the order of the Circuit Court of Cook County entered May 1, 1996 in *Orr, et al., v. Edgar, et al.*, 95 CO 246 and 95 CO 248 (Consolidated).
- b) Township supervisors and county commissioners in counties not under township organization shall, and the Illinois Secretary of State and designated agencies of the State of Illinois may, use the forms prescribed in Exhibits A, B, and C of this Part in taking and transmitting the Voter Registration Applications of applicants who choose to submit Voter Registration Applications, or in recording the decision of the applicants who decline to submit Voter Registration Applications if such agencies do not otherwise provide forms of their own design meeting the requirements of the National Voter Registration Act of 1993.
- c) Election authorities shall use the forms prescribed in Exhibits D, E, F, G, and H in providing notice of decisions taken with respect to Voter Registration Applications and Voter Registration Cards.
- d) The State Board of Elections shall supply to each election authority a quantity of the National Mail Voter Registration Booklets designed by the United States Federal Election Commission on an as-needed basis. Each election authority shall make a copy of the National Mail Voter Registration Booklet available to any person over 18 years of age in its jurisdiction who seeks to register to vote in another state, or refer a request from such person for a National Mail Voter Registration Booklet to the Illinois State Board of Elections in accord with subsection (h) of this Section.
- e) Each election authority shall make a copy of the Illinois Voter Registration Application available to any person over 18 years of age in its jurisdiction who seeks to register to vote in Illinois. Each Voter Registration Application supplied to an individual shall be accompanied by instructions for completing the forms and returning it to the appropriate address. Such instructions may be oral where the form is supplied by a designated agency to an applicant.

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f) Election authorities, the Secretary of State, and designated agencies shall obtain the Illinois Voter Registration Application for their own purposes and, in the case of election authorities, in sufficient quantities for distribution to the public. Each Voter Registration Application so produced shall conform to the measurements, paper weight, color and layout, and shall reproduce verbatim the text set forth in Exhibit A of this Part.

g) Voter Registration Applications made available to the general public to be returned by mail to the election authority shall be placed in holders or dispensers bearing the uniform logo designed for the purpose by the State Board of Elections. Control numbers assigned by the election authority may be added to Voter Registration Applications distributed to the general public, but no such control number shall be assigned to any Voter Registration Application supplied by the election authority to a designated registration agency, a township supervisor, or a county commissioner. Voter Registration Applications offered to the general public to be returned by mail must bear the mailing address of the election authority having jurisdiction over the place where the form dispenser is located. Whenever an election authority receives a Voter Registration Application for an applicant who does not reside in the election authority's jurisdiction, the election authority shall forward, within three days after its receipt, the Voter Registration Application to the election authority for the place where the applicant resides. The election authority shall include with the forwarding a transmittal notice of the kind identified in Appendix C of this Part. The election authority receiving such a transmittal Application shall treat the application as if it had been originally filed with the receiving election authority. The postmark on the application or date of the application's receipt by the transmitting election authority shall determine the voter's eligibility to vote in the next ensuing election.

h) Election authorities shall limit the number of the National Mail Voter Registration Booklets supplied to an organization conducting a voter registration drive to 50. Requests for the National Mail Voter Registration Booklet in quantities exceeding 50 shall be referred to the State Board of Elections, which shall, prior to filling the request, require the organization making such a request to submit in writing a copy of its plan to distribute the booklets, including the states in which the organization intends to distribute the booklet and the quantities to be distributed in each state. The State Board of Elections shall deny the request if such a written plan is not submitted, and shall substitute the Voter Registration Application for any quantities of the National Mail Voter Registration Booklet intended for distribution in Illinois. The State Board of Elections shall charge the requesting party the actual cost of reproducing the National Mail Voter Registration Booklet for any quantities requested over 200.

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Section 216.70 Processing Voter Registration Applications
Emergency

a) The State Board of Elections shall, and all persons accepting from applicants Voter Registration Applications are encouraged to do so, transmit executed applications to the election authority

- 1) not more than ten days after execution, if executed five days or more prior to the date upon which voter registration closes, or
- 2) not more than five days after execution, if executed less than five days prior to the date upon which registration closes but prior to the close of registration.

b) Applications arriving prior to the close of registration at an election authority unaccompanied by a Voter Registration Application Transmittal shall, for the purpose of first time voting only, be deemed to be applications received by mail, and all applicants whose applications are so transmitted shall be advised that they will be required to vote in person at the first election in which they vote.

c) A Voter Registration Application may be executed while voter registration is closed, but in such case such application shall not entitle the applicant to vote at any election held before registration reopens. Applications bearing no postmark arriving by mail not later than five days after the close of registration shall be deemed to have been filed prior to the close of registration. Applications arriving by mail after the close of registration, but bearing a postmark earlier than the day upon which registration closed shall be deemed to have been filed prior to the close of registration no matter when actually received. Applications which arrive by mail bearing a postmark later than the day upon which registration closed shall not be deemed to have been filed prior to the close of registration no matter when actually received.

d) The State Board of Elections shall assign to each township supervisor, county commissioner in counties not under township organization, and designated agency a block of document control numbers, the identity of which block shall be confidential, which such entities may use on each Voter Registration Application Transmittal accompanying batches of applications sent to election authorities.

e) Every Voter Registration Application Transmittal shall note on its face how many applications are being transmitted, a document control number from the block assigned to the entity submitting the Voter Registration Application Transmittal, identified in subsection (d) of this Section, and the date of transmittal.

f) Every application received by an election authority shall be examined to determine if the information contained on the application is sufficient on its face to cause the applicant to be listed among the voters of the jurisdiction, or if the application duplicates a record or Voter Registration Card already on file with the election authority.

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- 1) If the application duplicates a record already on file with the election authority, the applicant shall be sent a forwardable Disposition of Registration notice advising the voter that he or she is already registered to vote.
- 2) If the information is insufficient, the election authority shall send the applicant a forwardable Disposition of Registration notice informing the applicant:
 - A) that his or her application has been rejected, identifying the reason for rejection, and
 - B) that he or she will not be entitled to vote until a new and sufficient application has been received by the election authority.

Section 216.80 Documenting Transactions Emergency

- a) Each election authority shall generate and keep the following information from the registration activities it conducts:
 - 1) the total number of Voter Registration Applications and Voter Registration Cards received, from whatever source, between the two immediately past federal elections, excepting those Voter Registration Applications and Voter Registration Cards which are deemed duplicates, are rejected or report only changes of address;
 - 2) the total number of Voter Registration Applications received from the Secretary of State between the two immediate past federal elections, and the total number of these applications which are duplicates of already existing registrations;
 - 3) the total number of Voter Registration Applications received by mail between the two immediately past federal elections, and the total number of these applications which are duplicates of already existing registrations;
 - 4) the total number of Voter Registration Applications received from each office of a designated agency, township supervisor or county commissioner between the two immediately past federal elections, and the total number of these applications which are duplicates of already existing registrations;
 - 5) the total number of Voter Registration Applications received from each office of armed forces personnel registering voters between the two immediately past federal elections, and the total number of these applications which are duplicates of already existing registrations;
 - 6) the total number of Voter Registration Applications and Voter Registration Cards received from any other source not specifically enumerated in subsections (a)(2) through (5) of this Section, by source, between the two immediately past federal elections, and the total number of these applications and registration cards which are duplicates of already existing

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- registrations;
 - 7) the total number of Voter Registration Applications canceled, for whatever reason, between the two immediately past federal elections;
 - 8) the number of name and address confirmation forms mailed out between the two immediately past federal elections, and the number of responses thereto; and
 - 9) the postal costs incurred between the two immediately past federal elections for all mailings required to satisfy requirements of 42 U.S.C. 1973gg et seq.
- b) "By mail", for purposes of this Section, excludes those applications transmitted by the Secretary of State, designated agencies, township supervisors and county commissioners, and armed forces personnel registering voters, even though applications arrive by means of the United States Postal Service.
- c) The data required to be kept by this Section may be kept in electronic or paper copy format.

Section 216.90 Voting Emergency

- a) Voters shall vote at the polling place for the precinct where they reside, except that
 - 1) a voter who moves without notice to the election authority to a different residence still within the same election jurisdiction as the place from which he or she moved shall vote for the first time he or she offers to vote after changing residence in the polling place for the residence from which the voter most recently registered, and thereafter in the polling place for the voter's present residence;
 - 2) such voters shall be entitled to vote for federal offices only; and
 - 3) subject to the requirements of subsection (c) of this Section, any voter otherwise qualified to vote an absentee ballot may vote by absentee ballot.
- b) The election authority shall transfer the record or registration card, as the case may be, of each voter described in subsection (a)(1) of this Section to the binder for the precinct encompassing the voter's new place of residence immediately after the first election at which the voter offers to vote after changing residence, making such notations on the record as are necessary to bring the information contained on it current, and thereafter the voter shall vote in the precinct polling place for the new residence.
- c) An applicant who has submitted a Voter Registration Application by mail must vote in person at the first election at which he or she votes after his or her application is acknowledged unless the voter is entitled to cast an absentee ballot under the provisions of Article 20 of the Illinois Election Code or is eligible to vote an

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absentee ballot by any pertinent federal statute or law. Voting in person includes in-person absentee voting, nursing home voting and hospitalized voters voting under the provision of Section 19-13 of the Election Code [10 ILCS 5/19-13].

Section 216.100 Designation of Chief State Election Official Emergency

- This Section implements Section 10 of the National Voter Registration Act of 1993 (42 U.S.C. Section 1973gg-8).
- The Executive Director of the Illinois State Board of Elections is designated as the Chief State Election Official for the purposes of the National Voter Registration Act of 1993.
- The Chief State Election Official of the state may issue such opinions or directions as he or she deems necessary to insure that the National Voter Registration Act of 1993, the order of the Circuit Court of Cook County issued May 1, 1996 in *Ort, et al., v. Edgar, et al.*, and this Part are implemented uniformly throughout Illinois.

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216. Exhibit A Voter Registration Application - Illinois Emergency

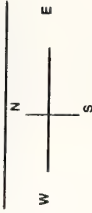
ILLINOIS VOTER REGISTRATION APPLICATION YOU CAN USE THIS FORM TO:

- apply to register to vote in the State of Illinois
- change your address on voter registration record
- change your name (change due to marriage, etc.)

TO COMPLETE THIS FORM:

- Be a United States citizen
 - be at least 18 years old on or before the next election
 - live in your election precinct at least 30 days before the election
 - not be convicted and is jail
 - not claim the right to vote anywhere else
- Box 1 -** If you do not have a middle name, print "none".
Box 2 - If you have a middle name, print "middle".
Box 3 - If you have a last name, print "last".
Box 4 - If you do not remember your name, print "name".
Box 5 - Read, date and personally sign your name or make mark in the box.

IF YOU HAVE NO STREET ADDRESS, describe your home, let the name of subdivisions, cross streets, roads, landmarks, nearby school, neighborhood, etc.



DEADLINE INFORMATION:

- Mail or deliver this form no later than 28 days before the next election.
- If you do not receive a notice within 2 weeks of mailing or delivering the form, call the County Clerk or Board of Election Commissioners named on the front of the card.

IMPORTANT INFORMATION:

- If you register by mail, the first time you vote must be in person
- If you register at a public service agency, any information regarding the agency which assisted you will remain confidential as will any decision not to register

FOLD LINE

PRINT CLEARLY OR TYPE IN BLACK OR BLUE INK

1. Last Name	First Name	Middle Name or Initial	Suffix (Circle One) Jr., Sr., II, III, IV	Office Use
2. Address where you live (do not give P.O. address)		City/Village/Town	Township	
House No.	Street Name	Appt. No./P.O. Box	County	Zip Code
3. Former Registration Address (includes City and State)		County	Former Name (if changed)	
4. Date of Birth: Month Day Year	5. Sex (Circle One) M F	6. Telephone Number (optional)	7. Full Social Security No. Or last 4 digits only	

8. Voter Affidavit - Read all statements and sign within the box to the right. I swear or affirm that:

- I am a resident of the United States;
- I will be at least 18 years old on or before the next election;
- I will have lived in the State of Illinois and in my election precinct 30 days as of the date of the next election.

That

Date: _____

Signature: _____

Full Address: _____

Telephone No.: _____

FOLD ON DOTTED LINE. PEEL OFF TAPE, SEAL, AND MAIL.

Revised: Oct. 1995

STATE BOARD OF ELECTIONS
NOTICE OF EMERGENCY RULES

YOUR ADDRESS

back of SBE No. R-19

PUT
FIRST
CLASS
STAMP
HERE

MAIL TO:

14263

STATE BOARD OF ELECTIONS
NOTICE OF EMERGENCY RULES

9981 120 TRENTON, N.J.
 1961 OCT 1966

Last Name		First Name		Middle Name or Initial		Suffix (Circle One) Jr., Sr., II, III, IV		Offices Use	
Address where you live (do not give P.O. address) House No. Street Name		City/Village/Town		County		State Aut. No. P.O. Box		Zip Code	
3. Former Registered Address, (include City and State) Month Day Year		5. Sex (Circle One) M F		6. Telephone Number (optional)		7. Full Social Security No. or last 4 digits only		Former Name (if changed)	
<p>8. Voter Affidavit - Read all statements and sign within the box to the right. I swear or affirm that:</p> <ul style="list-style-type: none"> ● I am a citizen of the United States: ● I will be at least 18 years old on or before the next election; ● I will have lived in the State of Illinois and in my county of residence for at least 30 days as of the date of the next election; ● All of the above information is true. I understand if it is not true I can be convicted of perjury and fined up to \$5,000 and/or jailed for 2 to 5 years. 									
<p>9. If you cannot sign your name, ask the person who helped you fill in the form to print their name, address and telephone number.</p> <p>Date: _____</p>									

back of SBE No. R-19A

[illegible]

STATE BOARD OF ELECTIONS
NOTICE OF EMERGENCY RULES

MAIL REGISTRATION CARD SPECIFICATIONS
(216, Exhibit A)

STOCK

110 lb. CARD OR COMPARABLE STOCK

COLOR

WHITE

SIZE

5" x 8"

TYPEFACE

SIMPLE SANS SERIF, 7 AND 8 PT.

AS MANDATED BY PUBLIC LAW 103-31, THE FOLLOWING INFORMATION MUST BE PRINTED IN THE SAME TYPEFACE (ONLY THIS MATERIAL, WILL BE PRINTED IN THE 8 PT. TYPEFACE); THE BULLETED INFORMATION IN THE INSTRUCTIONS SECTION ENTITLED "TO REGISTER YOU MUST" AND "IMPORTANT INFORMATION" AND THE INFORMATION ON THE REGISTRATION FORM #8 "VOTER AFFIDAVIT"

SEAL

(bottom edge)

PULL OFF ADHESIVE TAPE

STATE BOARD OF ELECTIONS
NOTICE OF EMERGENCY RULES

216, Exhibit B
Emergency

Voter Registration Information

Mandated
July, 1995
SBE No. R-24

VOTER REGISTRATION INFORMATION

"If you are not registered to vote where you live now, would you like to apply to register here today?"

(Public assistance agencies include the following:
"Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.")

IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.
☐ YES ☐ NO

IMPORTANT!

If you would like help filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application in private.

All information will remain confidential and will be used only for voter registration purposes. Anyone not choosing to register to vote and/or information regarding the office to which the application was submitted will remain confidential, to be used only for voter registration purposes.

Signature

month year

day

Date

Please Print Full Name

(tear here)

COMPLAINT INFORMATION

If you believe that someone has interfered with your right to register or decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with Ronald D. Michaelson, Executive Director, State Board of Elections, 1020 South Spring Street, Springfield, Illinois 62704-2999 (217)782-4141 or TDD (217) 782-1518.

(Half 8 1/2" x 11" sheet)

STATE BOARD OF ELECTIONS
NOTICE OF EMERGENCY RULES

TRANSMITTAL FORM SPECIFICATIONS
(216. Exhibit C)

PRINT AS TWO PART SELF DUPLICATING FORM

Bottom of original - "Election Authority Copy"
Bottom of second sheet - "Agency Copy"

SIZE 8-1/2" x 11"

STATE BOARD OF ELECTIONS
NOTICE OF EMERGENCY RULES

216. Exhibit C
Emergency
Voter Registration Application Transmittal

Suggested
July, 1995
SBE No. R-25

VOTER REGISTRATION APPLICATION
TRANSMITTAL

To: _____ Election Office _____ Date _____
From: _____ Agency Office Number or Designation _____

Number of Voter Registration Applications Enclosed: _____

Comments: _____

(To be completed by Election Authority)

Date Received: _____
Number of Applications Received: _____
Number of Duplicate Registrations in Group: _____
Number of Incomplete Applications: _____
Problems or Other Comments: _____

White Copy - Election Authority
Yellow Copy - Agency

STATE BOARD OF ELECTIONS
NOTICE OF EMERGENCY RULES

216. Exhibit D
Emergency

Disposition of Registration

Board Rule

Mandated
July, 1995
SBE No. R-23

BACK
4 x 6

DISPOSITION OF REGISTRATION
(Application Rejected)

YOUR APPLICATION TO REGISTER TO VOTE HAS BEEN REFUSED FOR THE REASON(S) INDICATED BELOW. YOU MUST REAPPLY TO BE ENTITLED TO VOTE.

Address could not be verified.
Application incomplete.
Application rejected because:
Other

For questions about this notice call
County Clerk or Board of Election Commissioners
Date Phone No.

FRONT
4 x 6

ELECTION OFFICIAL
ELECTION OFFICE
STREET ADDRESS OR PO BOX
CITY, ST. 00000-0000

FIRST CLASS MAIL
U.S. POSTAGE
ANYTOWN, STATE
PERMIT NO. 0000

OFFICIAL ELECTION MATERIAL

Non-Address Data
Name of Registrant
Information Attention Line
Delivery Address
Post Office (City) State Zip Code

STATE BOARD OF ELECTIONS
NOTICE OF EMERGENCY RULES

216. Exhibit E
Emergency

Voter Identification Card

Suggested
Revised July, 1995
SBE No. R-15

SUGGESTED VOTER I.D. CARD

VOTERS CERTIFICATE OF REGISTRATION
(DISPOSITION OF REGISTRATION)

I hereby certify that the person whose name and address appears below is a registered voter.

County Clerk/Exec. Director
Twp. Jurisdiction
Name
Street No. Street Name
Apt. No. State Zip
Date Issued

(RETAIN THIS CARD)

(DO NOT DETACH)

Polling Place
CONG. LEG. REP. CO. BD.
City/Village
PCT. WARD TWP.
Elem. Sch. Dist.
High Sch. Dist.
Comm. Coll. Dist.
Sanitary Dist.
Fire Dist.
Park Dist.
Cem. Dist.
Judicial District
Judicial Circuit

STATE BOARD OF ELECTIONS
NOTICE OF EMERGENCY RULES

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STATE BOARD OF ELECTIONS
NOTICE OF EMERGENCY RULES

SBE No. R-15 Reverse Side

SUGGESTED VOTER I.D. CARD

**For Information Regarding Elections,
Voter Registration Contact**

Name of Election Authority -

Telephone

State _____ Zip _____

City _____

Address

Name of Election Authority _____

If you move to another address within _____ print your new address, sign your name and mail to _____

* Voters changing their names must _____

New Address: _____ Twp. _____ Pct. _____

OF RFD No.

_____ Rd. No. _____ If RFD include County House No.

— 47 —

Signature _____

Days Preceding an election)

STATE BOARD OF ELECTIONS

NOTICE OF EMERGENCY RULES

216. Exhibit F
Emergency

Confirmation of Address

SIDE A
(top) Second Notice
(bottom) Addresses Side-Reply Card

Suggested
Revised, May 08
SBE No. R-26

CONFIRMATION OF ADDRESS

- ☐ OUR RECORDS INDICATE THAT YOU HAVE MOVED TO _____
- To confirm this information, complete and return the postcard at the bottom, not later than _____
- This new address has been added to your voter registration record. Your new precinct is _____
- ☐ WE HAVE NOT BEEN ABLE TO CONFIRM YOUR ADDRESS.
- Please complete and return the postcard at the bottom, not later than _____
- If this card is not returned you may not be entitled to vote in all elections.
- ☐ IF YOU HAVE MOVED TO AN ADDRESS OUTSIDE OF _____ (jurisdiction)
- You will have to register with the County Clerk or Board of Election Commissioners where you live. (Consult telephone directory.)

performed
fold

(tear here)

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL
FIRST CLASS MAIL PERMIT NO 0000 ANYTOWN, STATE
POSTAGE WILL BE PAID BY ADDRESSEE

OFFICIAL ELECTION MATERIAL

ELECTION OFFICIAL
ELECTION OFFICE
STREET ADDRESS OR PO BOX
CITY, ST 00000-0000

— — — — —

Preprinted Address
With Zip + 4Preprinted Bar Code
Corresponding to Zip + 4

**CUTTING
EDUCATION**

4 x 6

performed

preprinted FILM

4X5

PREPAID
CASH Y

OUTGOING
FIRST CLASS
POSTCARD

Optional Line)
(Top Line)
(Optional Line)
(Line Above Last)
(Last Line)

performed solid

REPLY
POSTCARD

ELECTION OFFICIAL
ELECTION OFFICE
STREET ADDRESS OR PO BOX
CITY, ST 00000-0000

FIRST CLASS MAIL
U.S. POSTAGE PAID
ANDOVER STATE

OFFICIAL ELECTION MATERIAL

NON-ADDRESS DATA
NAME OF RECIPIENT
INFORMATION/ATTENTION LINE
DELIVERY ADDRESS
POST OFFICE (CITY) STATE ZIP CODE

PLEASE CHECK ONE ☐ NEW ADDRESS ☐ SAME ADDRESS

PRINT FULL NAME _____
(Include Middle Name)

DATE OF BIRTH

SOCIAL SECURITY NUMBER
(Last four numbers only)

TELEPHONE NUMBER (Optional)

MY ADDRESS IS

(Signature)_____
(Date)

*All of the above information is true. I understand that if it is not true, I can be convicted of perjury and fined up to \$5,000, and/or jailed for 2 to 5 years.

4 X 6

Bar Code Area
it automatically
applied

4X6

STATE BOARD OF ELECTIONS

NOTICE OF EMERGENCY RULES

STATE BOARD OF ELECTIONS

NOTICE OF EMERGENCY RULES

216. Exhibit G
Emergency

Registration Deadline Notice

Suggested
July, 1995
SBE No R-28

FRONT
4 x 6
postcard

This page left intentionally blank.

REGISTRATION DEADLINE NOTICE

Registration for the upcoming election closed on
_____. Your registration application is not valid for the
upcoming election.

Following the election, the application will be processed and you will
receive a voter identification card.

(Name of Election Authority)

BACK

Election Authority
Election Office
Street Address or P. O. Box
City, ST 00000-0000

OFFICIAL ELECTION MATERIAL

STATE BOARD OF ELECTIONS
NOTICE OF EMERGENCY RULESSTATE BOARD OF ELECTIONS
NOTICE OF EMERGENCY RULES216. Exhibit H Address Correction for Fail Safe Voter
EmergencyMandated
December, 1995
SBE No. C-6

ADDRESS CORRECTION FOR FAIL-SAFE VOTER

☐ FEDERAL BALLOT ONLY

● Voters who change residence to another address within Election Authority's jurisdiction.

● Voting in former residence polling place or when applying for absentee ballot.

Social Security Number (last four numbers): _____

Date of Birth: _____

Voter's Full Name (Please Print): _____

Current Address: _____

City/Village _____

Zip Code _____

Former Address: _____

City/Village _____

Zip Code _____

Date _____

Signature of Voter or Mark _____

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STATE BOARD OF ELECTIONS

NOTICE OF EMERGENCY RULES

DEPARTMENT OF PUBLIC AID

NOTICE OF REFUSAL TO MEET THE OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES1) Heading of the Part: Related Program Provisions2) Code Citation: 89 Ill. Adm. Code 1173) Section Number: Emergency Action:
117.50 Amendment4) Notice of Emergency Amendments Published in the Illinois Register: August 2, 1996 (20 Ill. Reg. 10381)

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5) JCAR Statement of Objection to Emergency Amendments Published in the Illinois Register: September 6, 1996 (20 Ill. Reg. 12277)6) Summary of Action Taken by the Agency:

At its meeting on August 20, 1996, the Joint Committee on Administrative Rules issued an objection to the Department of Public Aid's emergency amendments to its rules entitled Related Program Provisions (89 Ill. Adm. Code 117), which were published on August 2, 1996, at 20 Ill. Reg. 10381. As the basis of its objection, the Joint Committee cites the conflict between the rates for funerals and burials included in these emergency amendments and the provisions of Section 12-4.11 of the Public Aid Code [305 ILCS 5/12-4.11].

The Joint Committee also recommends that the Department pursue legislation to revise the provisions of the Public Aid Code which conflict with the emergency amendments.

In response to the objection, the Department believes that the action of the General Assembly and the Governor in approving appropriations to the Department in Public Act 89-501 for funeral and burial reimbursements for fiscal year 1997 was based on an agreement to increase these reimbursements by three percent over the prior fiscal year. The Department believes that its emergency action was consistent with this agreement.

The Department recognizes that the language in Section 12-4.11 of the Public Aid Code was not amended to reflect this agreement. The Department believes, however, that the lack of action to amend this statutory provision was an inadvertent oversight and should not thwart the intent of increasing the reimbursement levels which was expressed in the appropriations in Public Act 89-501.

In response to the Joint Committee's recommendation, the Department will pursue legislation to revise Section 12-4.11 of the Public Aid Code.

SECRETARY OF STATE
NOTICE OF MODIFICATION TO EMERGENCY RULES IN RESPONSE TO AN OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES
TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE
PART 1030
ISSUANCE OF LICENSES

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section numbers: 1030.91
- 4) Notice of Emergency Amendments published in the Illinois Register: June 21, 1996, 20 Ill. Reg. 8358
- 5) JCAR Statement of Objection to Emergency Amendments published in the Illinois Register: August 9, 1996, 20 Ill. Reg. 10749.
- 6) Date agency submitted this modification to the JCAR for approval: October 21, 1996
- 7) Summary of Action Taken by the Agency: Upon receipt by the Secretary of State of a Certification of Objection to the emergency amendment from the Joint Committee on Administrative Rules, it was decided to repeal the emergency action which would allow the Department of Veterans Affairs to issue written verification to disabled veterans as to the type of their disability, which in turn will allow them to obtain an Illinois Disabled Person Identification Card. Therefore, the attached text shows how the emergency amendment will be removed from Section 1030.91, restoring the original text.

The full text of the Section of the emergency amendment being modified begins on the next page:

SECRETARY OF STATE
NOTICE OF MODIFICATION TO EMERGENCY RULES IN RESPONSE TO AN OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES
TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE
PART 1030
ISSUANCE OF LICENSES

Section	
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License
1030.12	Driver's License Medical Advisory Board
1030.13	Denial of License or Permit
1030.15	Cite for Re-examination
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.20	Classification of Drivers-References
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening with Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lens(es)
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts/Road Test
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Licenses
1030.90	Requirement For Photograph and Signature of Licensee on Driver's License
1030.91	Disabled Person/Handicapped Identification Card
EMERGENCY	
1030.92	Restrictions
1030.93	Restricted Local Licenses
1030.94	Duplicate or Corrected Driver's License or Instruction Permit
1030.95	Diplomatic and Consular Licenses
1030.96	Restricted Commercial Driver's License
1030.97	Invalidation of a Driver's License or Permit
1030.98	School Bus Commercial Driver's License
1030.100	Anatomical Gift Donor
1030.110	Emergency Medical Information Card
1030.115	Change-of-Address
1030.120	Issuance of a Probationary License

SECRETARY OF STATE

NOTICE OF MODIFICATION TO EMERGENCY RULES IN RESPONSE TO AN OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1030.130 Grounds for Cancellation of a Probationary License
 APPENDIX A Questions Asked of a Driver's License Applicant
 APPENDIX B Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection

SECRETARY OF STATE

NOTICE OF MODIFICATION TO EMERGENCY RULES IN RESPONSE TO AN OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

of the Joint Committee on Administrative Rules at 20 Ill. Reg. **14279**, not to exceed the 150 day limit of the original rulemaking.

Section 1030.91 Disabled Person/Handicapped Identification Card
EMERGENCY

a) For purposes of this Section, the following definitions shall apply:

"Department" - Driver Services Department within the Office of the Secretary of State.

"Handicapped Identification Card" - a standard identification card defined in Section 4(a) of the Illinois Identification Card Act [625 ILCS 305/4(a)] (Ill. Rev. Stat. 1987, ch. 124, par. 4(a)) issued for no fee to persons who meet the definition of handicapped as defined in Section 1-159.1 of the Illinois Vehicle Code [625 ILCS 5/1-159.1] (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-159.1) or who have a handicap so severe that it precludes him/her from obtaining an Illinois driver's license.

"Illinois Disabled Person Identification Card" - identification card issued pursuant to Section 4(b) of the Illinois Identification Card Act [625 ILCS 305/4(b)] (Ill. Rev. Stat. 1987, ch. 124, par. 4(b)).

b) If a person wishes to obtain an Illinois Disabled Person Identification Card pursuant to Section 4(b) of the Illinois Identification Card Act [625 ILCS 305/4(b)] (Ill. Rev. Stat. 1987, ch. 124, par. 4(b)), he/she shall fill out an application form provided by the Department.

c) The Disabled Person Identification Card application shall include the person's name, address, social security number, height, weight, hair color, eye color and date of birth. The applicant's physician shall certify the type of disability that the person has as either physical, developmental, visual, hearing, or mental and the classification of the disability to be Class 1, Class 1a, Class 2, or Class 2a as defined in Section 4(a) of the Illinois Identification Card Act [625 ILCS 305/4(a)] (Ill. Rev. Stat. 1987, ch. 124, par. 4(a)). The physician shall sign the application and also print or type his/her name, business address and business phone number.

d) A person who presents written evidence of receiving Department-of-Veterans-Affairs (VA) disability benefits shall also be entitled to a Disabled Person Identification Card without a physician's signature based upon the following classifications:

1) Class 1a - Disability - Evidence that the veteran is currently in receipt of special monthly compensation under 38 USC 1114 for the anatomical loss, or loss of user of upper or lower extremity

SECRETARY OF STATE

NOTICE OF MODIFICATION TO EMERGENCY RULES IN RESPONSE TO AN OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

2) ~~Class-2-Disability---Evidence-that-the-veteran-is-currently-in receipt-of--VA-Disability-Benefits-under-38-C.F.R.-4:157-4:16-or 4:17-based-upon-the-existence-of-total-disability~~

3) ~~Class-2a-Disability---Evidence-that-the-veteran-is-currently-in receipt--of--special--monthly--disability--benefits--based--upon housebound-status--or-the-need-for-aid-and-attendance~~

e)d) If a person does not qualify for a Disabled Person Identification Card, he/she may apply for a Handicapped Identification Card and he/she shall complete an application as provided in subsections (b) and (c) except for the physician's certification as to the type of disability. The applicant must sign an affidavit contained on the application form stating that he/she meets the definition of a handicapped person as defined in Section 1-159.1 of the Illinois Vehicle Code [625-159-5/1-159.1] (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-159.1) or that his/her handicap is so severe that it precludes him/her from obtaining an Illinois driver's license.

f)e) The application forms shall not be accepted by the Department unless all portions of the form are completely filled out. Failure to complete the application properly shall result in the applicant's request being denied.

g)f) If an applicant for a Handicapped Identification Card indicates on his/her application that he/she has a handicap so severe that it precludes him/her from obtaining an Illinois driver's license and it is determined that he/she has a valid Illinois driver's license, a Handicapped Identification Card shall be issued and the case shall be forwarded to the Driver Analysis Section of the Department for review and possible cancellation of the driver's license (92 Ill. Adm. Code 1040.80).

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYFILING PROHIBITION

ILLINOIS COMMERCE COMMISSION

Heading of the Part: Approval of Negotiated Agreements

Code Citation: 83 Ill Adm Code 763

Section Numbers:

763.10	763.20	763.30	763.40	763.100	763.110	763.120
763.130	763.140	763.150	763.200	763.210	763.230	
763.300	763.320	763.330	763.340	763.350	763.360	
763.370	763.380	763.400	763.410	763.420	763.430	
763.440	763.450	763.460	763.470			

Date Originally Published in the Illinois Register: 6/28/96
20 Ill Reg 8393

At its meeting on October 15, 1996, the Joint Committee on Administrative Rules objected to and voted to prohibit filing of the above proposed rulemaking with the Secretary of State. The Committee found that the adoption of these rules would constitute a serious threat to the public interest, safety or welfare. The reason for the prohibition is as follows:

The Joint Committee objects to and prohibits the filing of the above rulemaking because the rules are unnecessarily burdensome for those parties subject to the rules, creating a threat to the public interest and welfare under Section 5-115 of the Illinois Administrative Procedure Act.

The proposed rules may not be filed with the Secretary of State or enforced by the Illinois Commerce Commission for any reason for 180 days following receipt of this certification and statement by the Secretary of State.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SUSPENSION OF EMERGENCY RULES

ILLINOIS COMMERCE COMMISSION

Heading of the Part: Approval of Negotiated Agreements

Code Citation: 83 Ill Adm Code 763

Section Numbers:
763.10 763.20 763.30 763.40 763.100 763.110 763.120
763.130 763.140 763.150 763.200 763.210 763.230
763.300 763.320 763.330 763.340 763.350 763.360
763.370 763.380 763.400 763.410 763.420 763.430
763.440 763.450 763.460 763.470

Date Related Proposed Rulemaking Published
in Illinois Register: 6/28/96
20 Ill Reg 8393

Date Published in the Illinois Register: 6/28/96
20 Ill Reg 8527

At its meeting on October 15, 1996, the Joint Committee on Administrative Rules objected to and voted to suspend the above emergency rulemaking, and to notify the Secretary of State of the suspension of the emergency rulemaking. The Committee found that the continued enforcement of this rulemaking would constitute a serious threat to the public interest and welfare and was also contrary to legislative intent. The reason for the suspension is as follows:

The Joint Committee objects to and suspends the above emergency rulemaking because the rules are unnecessarily burdensome for those parties subject to the rules, creating a threat to the public interest and welfare under Section 5-125 of the Illinois Administrative Procedure Act.

The suspended emergency rules may not be enforced by the Illinois Commerce Commission for any reason, nor may the Commission file with the Secretary of State any rule having substantially the same purpose and effect as these suspended rules for at least 180 days following receipt of this certification and statement by the Secretary of State.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

FILING PROHIBITION

ILLINOIS COMMERCE COMMISSION

Heading of the Part: Approval of Statements for Generally Available Terms

Code Citation: 83 Ill Adm Code 764

Section Numbers:
764.10 764.20 764.30 764.40 764.100 764.110 764.120
764.130 764.140 764.150 764.200 764.210 764.230
764.300 764.320 764.330 764.340 764.350 764.360
764.370 764.380 764.400 764.410 764.420 764.430
764.440 764.450 764.460 764.470

Date Originally Published in the Illinois Register: 6/28/96
20 Ill Reg 8395

At its meeting on October 15, 1996, the Joint Committee on Administrative Rules objected to and voted to prohibit filing of the above proposed rulemaking with the Secretary of State. The Committee found that the adoption of these rules would constitute a serious threat to the public interest, safety or welfare. The reason for the prohibition is as follows:

The Joint Committee objects to and prohibits the filing of the above rulemaking because the rules are unnecessarily burdensome for those parties subject to the rules, creating a threat to the public interest and welfare under Section 5-115 of the Illinois Administrative Procedure Act.

The proposed rules may not be filed with the Secretary of State or enforced by the Illinois Commerce Commission for any reason for 180 days following receipt of this certification and statement by the Secretary of State.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

FILING PROHIBITION

ILLINOIS COMMERCE COMMISSION

Heading of the Part: Approval or Rejection of Arbitrated Agreements

Code Citation: 83 Ill Adm Code 762

Section Numbers: 762.10 762.20 762.30 762.40 762.100 762.110 762.120 762.130 762.200 762.205 762.210 762.220 762.300 762.310 762.320 762.410 762.420 762.430 762.440

Date Originally Published in the Illinois Register: 6/28/96

20 Ill Reg 8407

At its meeting on October 15, 1996, the Joint Committee on Administrative Rules objected to and voted to prohibit filing of the above proposed rulemaking with the Secretary of State. The Committee found that the adoption of these rules would constitute a serious threat to the public interest, safety or welfare. The reason for the prohibition is as follows:

The Joint Committee objects to and prohibits the filing of the above rulemaking because the rules are unnecessarily burdensome for those parties subject to the rules, creating a threat to the public interest and welfare under Section 5-115 of the Illinois Administrative Procedure Act.

The proposed rules may not be filed with the Secretary of State or enforced by the Illinois Commerce Commission for any reason for 180 days following receipt of this certification and statement by the Secretary of State.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

FILING PROHIBITION

ILLINOIS COMMERCE COMMISSION

Heading of the Part: Arbitration Practice

Code Citation: 83 Ill Adm Code 761

Section Numbers: 761.10 761.20 761.30 761.40 761.100 761.110 761.130 761.140 761.150 761.200 761.210 761.220 761.230 761.240 761.300 761.310 761.320 761.330 761.340 761.350 761.360 761.370 761.380 761.400 761.410 761.420 761.430 761.440 761.450 761.460 761.470

Date Originally Published in the Illinois Register: 6/28/96

20 Ill Reg 8416

At its meeting on October 15, 1996, the Joint Committee on Administrative Rules objected to and voted to prohibit filing of the above proposed rulemaking with the Secretary of State. The Committee found that the adoption of these rules would constitute a serious threat to the public interest, safety or welfare. The reason for the prohibition is as follows:

The Joint Committee objects to and prohibits the filing of the above rulemaking because the rules are unnecessarily burdensome for those parties subject to the rules, creating a threat to the public interest and welfare under Section 5-115 of the Illinois Administrative Procedure Act.

The proposed rules may not be filed with the Secretary of State or enforced by the Illinois Commerce Commission for any reason for 180 days following receipt of this certification and statement by the Secretary of State.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY
STATEMENT OF OBJECTION
TO PROPOSED RULEMAKING
STATE BOARD OF EDUCATION

Heading of the Part: Regional Offices of Education and Intermediate Services

Code Citation: 23 Ill Adm Code 525

Section Numbers: 525.10 525.20 525.30 525.40 525.50 525.60 525.100
525.110 525.120 525.130 525.140 525.160

Date Originally Published in the Illinois Register: 7/5/96
20 Ill Reg 8585

At its meeting on 10/15/96, the Joint Committee on Administrative Rules objected to the above cited rulemaking because the rulemaking includes statements that are in contradiction of Section 2-3.62 of the School Code.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed to be a refusal to respond under the Administrative Procedure Act and shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY
SUSPENSION OF EMERGENCY RULES
ILLINOIS COMMERCE COMMISSION

Heading of the Part: Arbitration Practice

Code Citation: 83 Ill Adm Code 761

Section Numbers: 761.10 761.20 761.30 761.40 761.100 761.110 761.130
761.140 761.150 761.200 761.210 761.220 761.230
761.240 761.300 761.310 761.320 761.330 761.340
761.350 761.360 761.370 761.380 761.400 761.410
761.420 761.430 761.440 761.450 761.460 761.470

Date Related Proposed Rulemaking Published in Illinois Register: 6/28/96
20 Ill Reg 8416

Date Published in the Illinois Register: 6/28/96
20 Ill Reg 8541

At its meeting on October 15, 1996, the Joint Committee on Administrative Rules objected to and voted to suspend the above emergency rulemaking, and to notify the Secretary of State of the suspension of the emergency rulemaking. The Committee found that the continued enforcement of this rulemaking would constitute a serious threat to the public interest and welfare and was also contrary to legislative intent. The reason for the suspension is as follows:

The Joint Committee objects to and suspends the above emergency rulemaking because the rules are unnecessarily burdensome for those parties subject to the rules, creating a threat to the public interest and welfare under Section 5-125 of the Illinois Administrative Procedure Act.

The suspended emergency rules may not be enforced by the Commerce Commission for any reason, nor may the Commission file with the Secretary of State any rule having substantially the same purpose and effect as these suspended rules for at least 180 days following receipt of this certification and statement by the Secretary of State.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION
TO PROPOSED RULEMAKING

DEPARTMENT OF LABOR

Heading of the Part: Minimum Wage LawCode Citation: 56 Ill Adm Code 210Section Numbers: 210.925Date Originally Published in the Illinois Register: 20 Ill Reg 10254
8/2/96

At its meeting on 10/15/96, the Joint Committee on Administrative Rules objected to the above cited rulemaking because the Department has failed to provide standards governing what shall be considered "good cause" in granting continuances of informal investigative conferences, contrary to Section 5-20 of the IAPA.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed to be a refusal to respond under the Administrative Procedure Act and shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF FAILURE TO REMEDY
DEPARTMENT OF REVENUE

- 1) Heading of the Part: General Rule for All Taxes
- 2) Code Citation: 86 Ill Adm Code 800
- 3) Section Numbers: 800.1000, 800.4000 Action: Objection
- 4) Notice of Proposal published in Illinois Register: 3/29/96
- 5) Date JCAR issued Statement of Objection: 6/25/96

6) Summary of Action taken by the Agency: The Department refused to modify the rulemaking in response to JCAR Objection. DOR believes the pilot program as is, is in the best interest of taxpayers and the Department.

7) JCAR action: At the 10/15/96 meeting, JCAR determined that the response failed to remedy the Objection. While there may be merit to the Department's position that wide-spread faxing may not be advisable at this time, the agency should endeavor to change the statute, not override it through rulemaking. This Notice of Failure to Remedy the Objection is published in accordance with 1 Ill Adm Code 220.1300.

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENTS

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

CONTRACTOR PROHIBITED FROM AN AWARD
OF A CONTRACT OR A SUBCONTRACT
FOR PUBLIC WORKS PROJECTS

Pursuant to Section 11a of the Prevailing Wage Act, 820 ILCS 130/0.01-12 (1994), the Director of the Department of Labor gives notice that the following contractor has been found to have disregarded its obligations to employees under the Prevailing Wage Act on two (2) separate occasions and is prohibited from being awarded any contract or subcontract for a public works project for two (2) years from the date of this publication:

G.O.B. Builders, Inc.
4425 North Elston Avenue
Chicago, IL 60630

Copies of the Prevailing Wage Act are available at the:

Illinois Department of Labor
Conciliation and Mediation Division
One West Old State Capital Plaza, Room 300
Springfield, IL 62701-1217

NOTICE PURSUANT TO 415 ILCS 5/7.2(b) (RCRA)

Section 22.4(a) of the Environmental Protection Act (Act) [415 ILCS 5/22.4(a)] requires the Board to adopt regulations that are "identical in substance" to USEPA RCRA Subtitle C rules adopted pursuant to Sections 3001 through 3005 of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. Sections 6921-6925). These rules are contained in 35 Ill. Adm. Code 702, 703, 705, 720 through 726, 729, 733 (soon to be added), and 739.

On October 17, 1996, the Pollution Control Board adopted an order that consolidated reserved RCRA Subtitle C hazardous waste update docket numbers R96-10 and R97-5 (and underground injection control update docket R97-3) for joint consideration. That order further set forth reasons for delay in the RCRA Subtitle C update dockets R96-10 and R97-5. In a segment of that order, the Board entered the following pursuant to 415 ILCS 5/7.2(b):

REASONS FOR DELAY

Section 22.4(a) provides for quick adoption of regulations that are "identical in substance" to federal regulations adopted by U.S. EPA to implement Sections 3001 through 3005 of the Resource Conservation and Recovery Act of 1976 (RCRA Subtitle C, 42 U.S.C. Sections 6921-6925). Section 7.2(a) of the Act requires the Board to complete its identical-in-substance rulemaking actions within one year after the date of the USEPA action on which they are based. Section 7.2(b) allows the Board to extend the deadline for adoption by publication of a notice of reason for delay in the *Illinois Register*. The Board hereby sets forth the reasons for delay for the purposes of such an extension with regard to the RCRA Subtitle C amendments of dockets R96-10 and R97-5.

Due to the present and recent-past demands on Board resources and personnel, including those associated with completing the two prior updates, R95-4/R95-6 and R95-20, the Board has been unable to commence the amendments in dockets R96-10 and R97-5 in such a way that it has been able to complete rulemaking activities within one year. The amendments involved in dockets R95-4/R95-6 and R95-20 represented significant efforts on the part of the Board, given the magnitude of the amendments and competing priorities for the Board and its staff. Those amendments, the magnitude of the amendments involved in consolidated docket R96-10/R97-3/R97-5, and other competing priorities have resulted in unavoidable delay.

At present, the Board anticipates assembling a proposal for public comment for consideration at one of our regularly-scheduled meetings of November or December. Allowing adequate time for publication of Notices of Proposed Amendments in the *Illinois Register*, for Board adoption at a regularly-scheduled meeting following the public comment period, and a 30-day moratorium on filing to allow USEPA comment on the adopted rules, the Board presently anticipates filing adopted amendments with the Secretary of State before April 1, 1997.

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENTS

NOTICE PURSUANT TO 415 ILCS 5/7.2(b) (RCRA)

Direct questions about this Notice of Public Information or about this rulemaking proceeding to Michael J. McCambridge, at 312-814-6924 (Internet: mccambr @ pcb016r1.state.il.us). Mailing address: Pollution Control Board, 100 West Randolph Street, 11-500, Chicago, Illinois 60601. Please refer to docket numbers R96-10 and R97-5.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENTS

NOTICE PURSUANT TO 415 ILCS 5/7.2(b) (SDWA)

Section 17.5 of the Environmental Protection Act (Act) [415 ILCS 5/17.5] requires the Board to adopt regulations that are "identical in substance" to USEPA SDWA rules adopted pursuant to Sections 1412(b), 1414(c), 1417(a), and 1445(a) of the Safe Drinking Water Act (SDWA) (42 U.S.C. Sections 300g-1(b), 300g-3(c), 300g-6(a) & 300j-4(a)). These rules are contained in 35 Ill. Adm. Code 611.

On September 5, 1996, in R95-17, the Pollution Control Board entered the following Order pursuant to 415 ILCS 5/7.2(b): SDWA Update (January 1 through June 30, 1995):

REASONS FOR DELAY

Section 7.2(b) of the Environmental Protection Act (415 ILCS 5/7.2(b)) requires the Board to complete the present amendments within one year of the federal action upon which they are based. Since the date of the earliest federal amendments was June 29, 1995, the nominal due date for completion of this proceeding was June 29, 1996. The Board has been unable to complete this matter before that date due to the magnitude of the review of the Public Water Supplies rules prompted by a request filed by the Illinois EPA, the press of other matters before the Board, and the fact that the Board will seek additional comment before filing the amendments with the Secretary of State. Section 7.2(b) allows the Board to extend the deadline by publishing a notice of the reasons for delay in the *Illinois Register*. The Board presently anticipates filing these amendments within 35 days after the date of this order--i.e., by October 10, 1996.

In fact, on October 17, 1996, the Board addressed issues on the rules raised by the Illinois Environmental Protection Agency after the date of the September 5, 1996 opinion and order. Having completed that consideration, the Board filed the text of the adopted amendments simultaneously with submitting this notice for publication.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of October 15, 1996 through October 21, 1996 and have been scheduled for review by the Committee at its November 19, 1996 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
11/30/96	Department on Aging, Community Care Program (89 Ill Adm Code 240)	5/17/96 20 Ill Reg 6613	11/19/96
12/1/96	Department of Agriculture, Equine Infectious Anemia Control (8 Ill Adm Code 116)	7/12/96 20 Ill Reg 8773	11/19/96
12/1/96	Department of Agriculture, Illinois Pseudorabies Control Act (8 Ill Adm Code 115)	7/12/96 20 Ill Reg 8777	11/19/96
12/1/96	Department of Agriculture, Swine Disease Control and Eradication Act (8 Ill Adm Code 105)	7/12/96 20 Ill Reg 8799	11/19/96
12/4/96	Department of Natural Resources, Operation of Watercraft Carrying Passengers for Hire on Illinois Waters (17 Ill Adm Code 2080)	8/30/96 20 Ill Reg 11542	11/19/96
12/4/96	Department of Natural Resources, Designation of Restricted Waters in the State of Illinois (17 Ill Adm Code 2030)	8/30/96 20 Ill Reg 11537	11/19/96

Rules acted upon during the quarter of October 1 through December 31, 1996 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-40. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatale@ccgate.sos.state.il.us (Internet address).

PROPOSED

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MAIL TO:

GEORGE H. RYAN
SECRETARY OF STATE
INDEX DEPARTMENT
111 E. MONROE
SPRINGFIELD, IL 62756

